THE
BRADFORD
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

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CITY OF BRADFORD, TENNESSEE

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PREFACE

The Bradford Municipal Code contains the codification and revision of the ordinances of the City of Bradford, 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, code index 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 7 of the adopting ordinance).

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

(3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

The able assistance of Linda Dean, the MTAS Administrative Specialist, and Nancy Gibson, Program Resource Specialist, is gratefully acknowledged.

Steve Lobertini
Codification Consultant
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

Ordinances and resolutions shall be furnished to each member of the Board at the meeting in which introduced. The enacting clause of ordinances shall be "Be it enacted by the Board of Mayor and Aldermen of the City of Bradford." An affirmative vote of the majority of all of the members of the board of mayor and aldermen, whether present and voting or not, shall be necessary for the passage of any ordinance or the appropriation of money. All other action shall be valid and binding when approved by the affirmative vote of a majority of the Board of Mayor and Aldermen when all members are present or by at least three (3) members of the Board of Mayor and Aldermen when one or more members are absent, but a quorum is present. Every ordinance must be approved on two readings and there shall be no more than one reading on any one day. An ordinance shall become effective after its final reading unless its terms provide a later effective date. Every ordinance shall be read in full on the first reading and any amended provisions shall be read in full. Every ordinance upon final passage shall be signed by the Mayor or Mayor pro tempore and attested by the City Recorder.
ORDINANCE NO. 102016

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

WHEREAS some of the ordinances of the City of Bradford are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the City of Bradford, 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 "Bradford Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BRADFORD, TENNESSEE, THAT:

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

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; 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 city; any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

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

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.
municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading 200
Passed 2nd reading 200
1-1

TITLE 1

GENERAL ADMINISTRATION

CHAPTER
1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CITY SUPERVISOR.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN

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. Regular meetings of the Bradford Board of Mayor and Aldermen shall take place on the first Monday of every month at 6:00 P.M. local time. Unless otherwise stipulated in the meeting agenda, regular meetings of the board of mayor and aldermen shall take place in the Bradford City Hall. (Ord. #1125-02, Dec. 2002)

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

(1) Call to order by the mayor.
(2) Roll call by the recorder.
(3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
(4) Grievances from citizens.

1Municipal code references
   Building, plumbing, electrical and gas inspectors: title 12.
   Fire department: title 7.
   Utilities: titles 18 and 19.
   Wastewater treatment: title 18.

2Charter references
   Meetings: art. IV, § 7.
   Quorum: art. IV, § 8.
(5) Communications from the mayor.
(6) Reports from committees, members of the board of mayor and aldermen, and other officers.
(7) Old business.
(8) New business.
(9) Adjournment. (1997 Code, § 1-102)

1-103. **General rules of order.** The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1977 Code, § 1-103, modified)
CHAPTER 2

MAYOR¹

SECTION
1-201. Generally supervises municipality's affairs.
1-203. Acts as chief of police.
1-204. Compensation.

1-201. Generally supervises municipality's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1977 Code, § 1-201)

1-202. Executes municipality's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1977 Code, § 1-202)

1-203. Acts as chief of police. The mayor shall act as chief of police unless another is appointed by the board. (1977 Code, § 1-203)

1-204. Compensation. The mayor shall receive two hundred fifty dollars ($250.00) per month as expense allowance. Such compensation shall become effective May 4, 1985. (Ord. #___, April 1985, modified)

¹Charter references
Duties: art. IV, § 9.
Vacancies: art. IV, § 10.
CHAPTER 3

RECORDE\textsuperscript{1}

SECTION
1-301. To be bonded.
1-302. To keep minutes, etc.
1-303. To perform general administrative duties, etc.
1-304. City treasurer.

1-301. \textbf{To be bonded}. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. \hfill (1977 Code, § 1-301)

1-302. \textbf{To keep minutes, etc}. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. \hfill (1977 Code, § 1-302)

1-303. \textbf{To perform general administrative duties, etc}. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the municipality which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. \hfill (1977 Code, § 1-303)

1-304. \textbf{City treasurer}. The city recorder shall be the treasurer of the city. As such, it shall be his duty to receive, and keep safely all revenues and bonds of the city, and the proceeds of its bond issues, and to disburse the same, upon warrants signed by the mayor and city recorder, for the operational expenses incurred by appropriations duly authorized by the board of mayor and aldermen. \hfill (Ord. #____, March 1985)

\textsuperscript{1}Charter reference
City recorder: art. IV, §§ 1-3.
CHAPTER 4

CITY SUPERVISOR

SECTION
1-401. City supervisor.
1-402. Absence of the supervisor.
1-403. Duties of the city supervisor.

1-401. City supervisor. The board of mayor and aldermen shall appoint and fix the salary of the city supervisor, who shall serve at the will and pleasure of the board. The supervisor shall be appointed by virtue of his experience and/or educational qualifications for this position. (Ord. #____, March 1985)

1-402. Absence of the supervisor. In the temporary absence or disability of the supervisor another officer shall be temporarily designated by the board of mayor and aldermen and shall serve in his capacity. (Ord. #____, March 1985)

1-403. Duties of the city supervisor. The city supervisor shall be the chief administrative officer of the city. He shall:

(1) See that all laws, provisions of the charter and acts of the board of mayor and aldermen, subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed;
(2) Make recommendations to the board of mayor and aldermen as to the employment, promotion, suspension, demotion, or dismissal of any employee according to the guidelines established in personnel policies enacted by the board of mayor and aldermen;
(3) Attend meetings of the board of mayor and aldermen, make recommendations concerning questions being considered, raise new points for consideration, but shall have no vote in any proceeding;
(4) Make recommendations to the board concerning the conditions and needs of the city requiring immediate attention;
(5) Act as the purchasing agent for the city;
(6) Act as tax collector for the city;
(7) Manage and direct all administrative and operational functions of the city;
(8) Maintain personnel files of the city employees;

1Charter reference
City supervisor: art. V, §§ 1-3.
(9) Prepare and submit the operating budget to the board of mayor and aldermen annually; and
(10) Perform such other duties as may be required of him by motion, resolution or ordinance. (Ord. #____, March 1985)
TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER
1. PARK COMMISSION.

CHAPTER 1

PARK COMMISSION

SECTION

2-101. Creation; membership. There is hereby established a recreation advisory committee, hereinafter referred to as the park commission. The commission shall consist of five (5) members all of whom shall be from the City of Bradford and the surrounding community. The board of mayor and aldermen shall appoint the members of the commission, each of whom shall serve for a term of three (3) years. Each member of the first committee shall be appointed for such terms that the term of one member shall expire annually thereafter. Commission members shall serve without compensation and at the pleasure of the board. The recreation director shall sit with the commission, participate in the deliberation of the commission and serve as secretary of the commission, but shall have no vote. (Ord. #____, Nov. 1984)

2-102. Removal of members; vacancies. Members of the commission may be removed by a majority vote of the board, or because of having accumulated three (3) or more consecutive unexcused absences from commission meetings. Any vacancy occurring in the membership of the commission shall be filled by the board for the remainder of the term of office of the commission member whose resignation, death, or removal caused the vacancy. Said appointment is to be made within thirty (30) days after formal notification to the board that a vacancy or cause of removal exists. (Ord. #____, Nov. 1984)

2-103. Officers; meetings. (1) The commission shall from its own membership, elect a director, vice director, chairman, and such other officers as it may deem necessary to properly perform the functions of the commission. Such officers shall serve for three (3) years or until their successors have been elected.
(a) The director shall prepare an agenda for each meeting and shall consult with the chairman of the commission regarding the agenda.

(b) The minimum number of commission members in attendance which shall constitute a quorum, and shall permit a declaration that an official meeting is in session, shall be three (3) members.

(c) Minutes shall be kept during all meetings with copies to be distributed to the board, and the original copy to be placed in the files of the recreation department at city hall.

(2) In performance of its duties set forth in this chapter, the commission shall hold at least one (1) regular meeting each quarter. Special meetings may be called by the commission chairman or the recreation director upon reasonable prior notification of all commission members. All meetings shall be held in a city-owned building and shall be open to the public. (Ord. #____, Nov. 1984)

2-104. Powers and duties; subject to the control and direction of the board. (1) The commission shall act in an advisory capacity only (nonadministrative) to the recreation department, serving as representatives of the citizenry and adjuncts of the commission, in all nonbudgetary matters pertaining to the recreation facilities and programs of the city. Such advisory duties shall include the recommendation of new recreational site locations, improvements, and operational personnel, recreational program content, rules, regulations, schedules and similar controls pertaining to usage of public recreational facilities of the city, and shall be made by way of the appropriate recreation department and the mayor to the board.

(2) The commission may solicit, and acquire, on behalf of the city, by gift or donation, any property for public recreation, provided that the solicitation of the donation of real property shall have the prior concurrence of the board. Any gifts or donations acquired, except real property shall be transferred to the appropriate recreation department and shall become the property of the city. Any tentative donation of real property shall be processed in the normal manner for acquiring city property and, if accepted, title thereto shall be taken in the name of the city.

(3) The commission shall keep records and accounts of all activities of the commission and shall make reports through the recreation director to the board whenever requested to do so.

(4) In exercising its powers and performing its duties as specified in this chapter the commission shall act through a majority of its members and the director of the commission is requested to sign all papers and documents requiring the signature of the recreation commission.

(5) No member of the commission shall participate in the decision of any matter coming before the commission in which such member has a monetary interest either directly or indirectly.
(6) Nothing in this chapter shall be construed as authorizing or empowering the recreation commission or any of its members to impose any liability of any nature, financial or otherwise, upon the city. (Ord. #____, Nov. 1984)
TITLE 3
MUNICIPAL COURT

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

CHAPTER 1

CITY JUDGE

SECTION
3-101. Office of city judge established.
3-102. Judge to have powers and functions provided by charter.
3-103. Qualifications.
3-104. Appointment and term of office.
3-105. Vacancies.
3-106. Oath of office and bond.
3-107. Salary
3-108. Absence or disability.

3-101. Office of city judge established. Pursuant to authority granted in the Charter of the City of Bradford, there is hereby created and established for the City of Bradford, Tennessee, the office of city judge. (Ord. #____, April 1987)

3-102. Judge to have powers and functions provided by charter. The judge shall be vested with the powers and functions granted in state law and shall be subject to the provisions of state law and the city's charter. (Ord. #____, April 1987)

3-103. Qualifications. The city judge shall be selected by his experience and/or educational qualifications for this position. (Ord. #____, April 1987)

3-104. Appointment and term of office. The city judge shall be appointed by the board of mayor and aldermen and shall serve at the pleasure

Charter reference
City attorney: art. VII, § 1.
of the board, and any incumbent judge shall serve until his successor is appointed and qualified. (Ord. #____, April 1987)

3-105. **Vacancies.** Any vacancies occurring in the office of city judge shall be filled by the board of mayor and aldermen for the unexpired term. (Ord. #____, April 1987)

3-106. **Oath of office and bond.** The city judge shall, before entering upon his duties as such, take an oath before a justice of the peace to support the constitution of the United States and the State of Tennessee and faithfully and honestly to perform his duties during his term of office. He shall post a bond in the amount and in the manner prescribed by the board of mayor and aldermen. The cost of said bond shall be paid by the City of Bradford. (Ord. #____, March 1985)

3-107. **Salary.** The salary of the city judge shall be set by ordinance.¹ (Ord. #____, March 1985, modified)

3-108. **Absence or disability.** The board of mayor and aldermen shall designate a qualified person to serve as judge in the event the judge is absent or is disabled and unable to perform his duties as city judge.² (Ord. #____, April 1987, modified)

¹Charter reference
   Compensation: art. XI, § 1.

²Charter reference
   Absence or disability of city judge: art. XI, § 2.
CHAPTER 2
COURT ADMINISTRATION

SECTION
3-201. Maintenance of docket.
3-202. Imposition of penalties, and costs.
3-203. Disposition and report of fines, penalties, and costs.
3-204. Contempt of court.
3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The chief of police shall keep a complete docket of all matters coming before the city court. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; and all other information which may be relevant. (Ord. #____, April 1987, modified)

3-202. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed by the city judge in open court. (Ord. #____, April 1987, modified)

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 municipality. At the end of each month he shall submit to the board of mayor and aldermen 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. (Ord. #____, April 1987)

3-204. Contempt of court. Contempt of court shall be punishable by a fine in the amount of fifty dollars ($50.00), or such lesser amount as may be imposed in the judge's discretion.

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

1Charter reference

2State law reference
available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (Ord. #____, April 1987)
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.** The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ord. #____, April 1987)

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 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. (Ord. #____, April 1987)

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. (Ord. #____, April 1987)

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1State law reference
For authority to issue warrants see *Tennessee Code Annotated*, title 40, chapter 6.
CHAPTER 4

BONDS AND APPEALS

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (Ord. #____, April 1987)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (Ord. #____, April 1987)

3-403. Bond amounts, conditions, and forms. 1. Appearance bond. 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.

2. Appeal bond. An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00), and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties.

3. Form of bond. 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. (Ord. #____, April 1987)

¹State law reference
CHAPTER 1

SOCIAL SECURITY

SECTION

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. (1977 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. (1977 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. (1977 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. (1977 Code, § 1-704)

4-105. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-705)

4-106. Exemptions from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations. (1997 Code, § 1-706)
CHAPTER 2

PERSONNEL REGULATIONS

SECTION
4-201. Personnel policy.
4-202. Employees.
4-203. Hiring procedures.
4-204. Holidays.
4-205. Vacation leave.
4-206. Sick leave.
4-207. Grievance procedures.
4-208. Discrimination prohibited.
4-209. Sexual harassment prohibited.
4-210. Occupational safety and health.
4-211. Overtime compensation.
4-212. Military leave/veterans' re-employment.
4-213. Family and medical leave.
4-214. Commercial driver's license.
4-215. Employee drug testing.
4-216. Residence requirements.
4-217. Employee right to contact elected officials.
4-218. Civil leave.
4-220. Political activity.
4-221. Travel policy.
4-222. Types of separation.
4-223. Resignation.
4-224. Layoff.
4-225. Disability.
4-226. Death of an employee.
4-227. Dismissal.
4-228. Outside employment.
4-229. Use of municipal time, vehicles, facilities, etc.
4-230. Accepting of gratuities.
4-231. Disciplinary procedures.
4-232. Personnel policy changes.

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

(2) At-will employer. The City of Bradford, Tennessee is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.
(3) **Coverage.** The following personnel are not covered by this policy unless otherwise provided:

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

All other employees of the municipal government are covered by this personnel policy.

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

(2) **Part-time.** Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than eight (8) hours a day and may work fewer than forty (40) hours per week or who are temporary and/or seasonal employees.

**4-203. Hiring procedures.** (1) **Policy statement.** The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

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

(3) **Interviews.** All appointments will be preceded by an interview with the department supervisor and the mayor.

(4) **Pre-appointment exams.** For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and, upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request of accommodations.
(5) **Appointments, etc.** All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter.

(6) **Employment probation period.** Full-time employees shall be on a ninety (90) day employment probation from date of hire. No benefits shall be allowed prior to completion of the probationary period. Upon completion of the ninety (90) day period, the employee will be reviewed by the department supervisor and the mayor on job performance and employment status. Upon review approval, benefits shall take effect.

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

1. **New Years Day** January 1st
2. **Martin Luther King Day** January
3. **Memorial Day** Last Friday in May
4. **Independence Day** July 4th
5. **Labor Day** First Monday in September
6. **Veterans Day** November 11th
7. **Thanksgiving Day** Fourth Thursday of November
8. **Day after Thanksgiving** Fourth Friday of November
9. **Christmas Eve** December 24th
10. **Christmas Day** December 25th

When a holiday, other than Christmas Day, falls on a Saturday or Sunday, Monday shall be observed as a holiday.

<table>
<thead>
<tr>
<th>When Christmas Day falls on:</th>
<th>The city observes Christmas Eve and Christmas Day on:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday</td>
<td>Friday and Monday</td>
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<tr>
<td>Sunday</td>
<td>Friday and Monday</td>
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<td>Wednesday and Thursday</td>
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<tr>
<td>Friday</td>
<td>Thursday and Friday</td>
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</tbody>
</table>

Employees must be in a pay status on the workday before and on the workday after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted eight (8) hours off on an alternate day approved by the supervisor or an additional eight (8) hours pay for the holiday.
Regular holidays, which occur during a vacation, sick or other leave period of any officer or employee of the city shall not be considered as a vacation, sick or other leave.

4-205. Vacation leave. All full-time employees of the municipality shall accrue vacation leave monthly upon the completion of each calendar month of service. Vacation leave will begin to accrue as of the first full month of employment. As the number of years of service increases, the amount of leave granted increases and may accumulate to the maximum accrual as shown in the table below:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Vacation Days/Year</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 or more</td>
<td>10</td>
<td>20</td>
</tr>
</tbody>
</table>

Vacation leave exceeding the maximum accrual limit shall be forfeited.

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

4-206. Sick leave. All full-time employees shall accumulate four (4) hours of sick leave with pay for each month of work completed for the municipality. Sick leave may be granted for any of the following reasons:

1. Personal illness or physical incapacity resulting from causes beyond the employee's control;
2. Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees.
3. Medical, dental, optical or other professional treatments or examinations.
4. Acute illness or death of a member of the employee's immediate family (i.e., spouse, parents, children).

The mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave.

Sick leave shall be taken in four (4) hour increments. Employees shall not be paid for unused sick leave upon the employee's termination, resignation or retirement.

4-207. Grievance procedures. The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under the Americans with
Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

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

**Step 1.** Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

**Step 2.** Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.

**Step 3.** Discuss the problem with the mayor and board of aldermen of the municipality. The mayor and board of aldermen's decision is the last and final step in the process. The decision of the mayor and board of aldermen is final and binding to all parties involved.

### 4-208. Discrimination prohibited

The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment.  

### 4-209. Sexual harassment prohibited

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

2. Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the department supervisor.

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or mayor. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is witness to the harassment.

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

4-210. Occupational safety and health. The municipality shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 U.S.C. §§ 656 et seq.) and the Tennessee OSHA Law.¹

4-211. Overtime compensation. All eligible municipal employees, except police officers, shall be compensated at a rate of one and one-half (1 ½) times their regular rate of pay for all hours worked in excess of forty (40) in a work week. All police officers eligible for overtime pay shall be compensated at a rate of one and one-half (1 ½) times their regular rate of pay for all hours worked in excess of forty-three (43) in a work week. All overtime compensation shall be paid to the employee in the first paycheck following the week that overtime work occurred.

4-212. Military leave/veterans' re-employment. All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding fifteen (15) working days in any one calendar year.² Also, any employee of the municipality who leaves his/her job voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veteran's Re-employment Rights (38 U.S.C. § 202-2016) and the Tennessee Military Leave Act.³

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¹State law reference

²State law reference

³State law reference
(continued...)
4-213. **Family and medical leave.** If the municipality has fifty (50) or more employees on the payroll, an eligible employee (one who has been employed at least 12 months and worked at least 1250 hours in the preceding 12 months) will be provided twelve (12) calendar weeks of unpaid leave for medical conditions of the employee or his/her family members in accordance with the Family and Medical Leave Act (P.L. 103-3).

4-214. **Commercial driver's license.** (1) All employees that drive:
   (a) A vehicle with a gross weight of more than twenty-six thousand (26,000) pounds;
   (b) A trailer with a gross weight of more than ten thousand (10,000) pounds;
   (c) A vehicle designed to transport more than fifteen (15) passengers, including the driver; and
   (d) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-101, et seq.
   (2) Fire truck, police vehicle and emergency medical operators are exempt from the CDL requirements.

4-215. **Employee drug testing.** The City of Bradford enforces a drug free working environment. All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a commercial driver's license, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing are on file in the office of the city recorder.

4-216. **Residence requirements.** Residence within the corporate city limits of the city shall not be a condition precedent for employment for any of the appointive officials or employees of the city. However, preference for employment shall be afforded to prospective appointive officials and employee applicants who reside within the corporate limits of the city. No person currently employed by the municipality can be dismissed or penalized solely on the basis of non-residence. The intent of this policy is to set forth a municipal policy of hiring residents. It does not create a right or entitlement to

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³(continued)

¹State law reference
appointment or employment to any position simply because of residency within the city.

Hiring and employment matters are governed by administrative policies and the sound discretion of the administrative and/or governing body. It is the intent of the city to establish procedures that are deemed appropriate and necessary to serve the health, safety and welfare of the citizens of the City of Bradford. Therefore, all future employees shall be required to live within fifteen (15) miles from their place of residence to the corporate limits of the city.

4-217. **Employee right to contact elected officials.** No employee shall be disciplined or discriminated against for communicating with an elected official. However, an employee may be reprimanded for making untrue allegations concerning any job-related matter.\(^1\)

4-218. **Civil leave.** Civil leave with pay shall be granted to employees for the following reasons:

(1) Jury duty.\(^2\)

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

4-219. **Voting.** When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with **Tennessee Code Annotated**, § 2-1-106.

4-220. **Political activity.** Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform, nor use municipal equipment or supplies in any campaign or election.\(^3\)

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\(^1\)State law reference

\(^2\)State law reference
**Tennessee Code Annotated**, § 22-4-108.

\(^3\)State law reference
4-221. **Travel policy.** All employees, including elected and appointed officials, are required to comply with the municipality's travel policy,¹ as required by Tennessee Code Annotated, § 6-54-901.

4-222. **Types of separation.** All separations of employees from city positions shall be designated as one of the following types and shall be accomplished in the manner indicated:

1. Resignation;
2. Layoff;
3. Death;
4. Dismissal; and
5. The inability to perform the essential job functions with or without a reasonable accommodation due to a disability.

At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation.

4-223. **Resignation.** In the event an employee decides to leave the city's employ, a two (2) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such case, employees will be expected to return any or all city equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation. If a former employee returns to city employment, his/her status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

4-224. **Layoff.** The department head, upon approval from the mayor and board of aldermen, may lay off an employee in the city service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or other material changes in the duties or organization of the employee's position, or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. Temporary employees shall be laid off before probationary or regular employees. The order layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

4-225. **Disability.** An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a direct threat to the health and safety of others. A reasonable accommodation may include transfer to a comparable position of

¹Ord. #2-2001 is of record in the office of the city recorder.
which the individual is qualified. Action may be initiated by the employee or the municipality, but in all cases it must be supported by the medical evidence acceptable to the mayor and board of aldermen, and the disability must prevent the employee from performing the essential functions of the job. The city may require an examination at its expense to be performed by a licensed physician of its choice.

4-226. **Death of an employee.** Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

4-227. **Dismissal.** The City of Bradford may dismiss an employee for just cause that is for the good of the city service as long as it does not violate federal and/or state law or the municipal charter. Reasons for dismissal may include, but shall not be limited to:
   (1) Misconduct;
   (2) Negligence;
   (3) Incompetence;
   (4) Insubordination;
   (5) Unauthorized absences;
   (6) Falsification of records;
   (7) Violation of any of the provisions of the charter; ordinances, or these rules.

4-228. **Outside employment.** No full-time employee of the municipality may accept any outside employment without written authorization from the department supervisor and mayor.

4-229. **Use of municipal time, vehicles, facilities, etc.** No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, groups, or organizations other than the municipality. Decisions about aid to charitable, civic or other organizations will be made exclusively by the governing body.

4-230. **Accepting of gratuities.** No employee shall accept any money, other considerations, or favors from anyone other than the municipality for performing an act that he/she would be required or expected to perform in the regular course of his/her duties. No employee shall accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to influence his/her actions with respect to the municipality's business.
4-231. **Disciplinary procedures.** Upon citing an individual for any infraction, the incident shall be placed into the individual's personnel file, additionally the following shall occur:

1. First infraction--verbal warning;
2. Second infraction--written warning;
3. Third infraction--written warning with three (3) days off work without pay;
4. Fourth infraction--appearance before mayor and board of aldermen with a recommendation by the department supervisor and/or mayor to dismiss (terminate) or retain (employ) the employee.

Upon insubordination or falsification of records by a city employee, the mayor may terminate the employee immediately. A special called meeting of the mayor and board of aldermen will be held within three (3) working days of mayoral action for confirmation or overruling of decision.

4-232. **Personnel policy changes.** Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be unilaterally changed by resolution of the governing body from time to time as the need arises.
CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION
4-601. Travel policy.
4-602. Travel reimbursement rate schedule.
4-603. Administrative procedures.

4-601. **Travel policy.** (1) The mayor of the city or his or her designee shall be responsible for the enforcement of these regulations.

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

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

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

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

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

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

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

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

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

The mayor may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.
(8) Claims of five dollars ($5.00) or more for travel expenses reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fee, and other reimbursable costs.

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

(10) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement.

4-602. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs.

4-603. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee.
TITLE 5
MUNICIPAL FINANCE AND TAXATION

CHAPTER
1. MISCELLANEOUS
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. PURCHASING PROCEDURES.

CHAPTER 1
MISCELLANEOUS

SECTION

CHAPTER 2
REAL AND PERSONAL PROPERTY TAXES\(^1\)

SECTION
5-201. When due and payable.
5-202. When delinquent; penalty and interest.

5-201. **When due and payable.** Taxes levied by the city against real and personal property shall become due and payable annually on and after October 1 of the year for which levied.

5-202. **When delinquent; penalty and interest.** All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the board of mayor and aldermen by ordinance.

\(^1\)Charter reference
Taxation: art. X, §§ 1 and 3.
CHAPTER 3

PRIVILEGE TAXES

SECTION
5-301. Tax levied.
5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the municipality at the rates and in the manner prescribed by the act. (1977 Code, § 6-301)

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 compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. Violations of this section shall be punished under the general penalty provisions of this code of ordinances. (1977 Code, § 6-302)
CHAPTER 4

PURCHASING

SECTION

5-401. Office of purchasing agent created.

5-402. Purchasing agent--duties.

5-403. Purchasing procedures.

5-401. **Office of purchasing agent created.** As provided in Tennessee Code Annotated, § 6-56-301, et seq. the office of purchasing agent is hereby created and the city supervisor shall faithfully discharge the duties of said office or appoint an individual to make purchases for the city. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body. (Ord. #___, Nov. 1984)

5-402. **Purchasing agent--duties.** The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with the purchasing procedures approved by the governing body and filed with the city recorder. (Ord. #___, Nov. 1984)

5-403. **Purchasing procedures.** After initial approval by resolution of the governing body of this city, changes or revisions to the purchasing procedures shall be made only by resolution. (Ord. #___, Nov. 1984)
TITLE 6

LAW ENFORCEMENT

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

CHAPTER 1

POLICE DEPARTMENT

SECTION
6-101. Policemen subject to chief's orders.
6-102. Policemen to preserve law and order, etc.
6-103. Police department records.
6-104. Policemen may require assistance.

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. (1977 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 general sessions court during the trial of cases. Policemen shall also promptly serve any legal process issued by the general sessions court. (1977 Code, § 1-402)

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

(1) All known or reported offenses and/or crimes committed within the corporate limits.
(2) All arrests made by policemen.
(3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department. (1977 Code, § 1-407)

Municipal code reference
Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.
6-104. **Policemen may require assistance.** It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1977 Code, § 1-405)
CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When policemen to make arrests.

6-201. When policemen to make arrests. 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. (1977 Code, § 1-404)

6-202. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be carried to the county jail or allowed to post bond. (1977 Code, § 1-406)

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Municipal code reference
Issuance of citation in lieu of arrest in traffic cases: title 15, chapter 7.
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. Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of mayor and aldermen appoints the chief in the fire department and the building inspector in the building department special police officers having the authority to issue citations in lieu of arrest. The 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 building inspector in the building 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.

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 board of mayor and aldermen to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the health officer to issue ordinance summonses in those areas. The health officer may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or

\(^1\)Municipal code reference

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

CHAPTER
1. FIRE DISTRICT.
2. FIRE DEPARTMENT.
3. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION
7-101. Fire limits described.

7-101. **Fire limits described.** The corporate fire limits shall be and include all the property within the city limits of the City of Bradford. (Ord. #___, Oct. 1985)

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1Municipal code reference
Building, utility and housing codes: title 12.
CHAPTER 2

FIRE DEPARTMENT

SECTION
7-201. Establishment, equipment, and membership.
7-203. Organization, rules, and regulations.
7-204. Records and reports.
7-205. Tenure and compensation of members.
7-206. Chief responsible for training and maintenance.
7-207. Equipment to be used only within corporate limits generally.
7-208. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen shall appoint. (Ord. #____, Oct. 1985)

7-202. Objectives. The fire department shall have as its objectives:

(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property because of fires.
(3) To confine fires to their places of origin.
(4) To extinguish uncontrolled fires.
(5) To prevent loss of life from asphyxiation or drowning.
(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (Ord. #____, Oct. 1985)

7-203. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (Ord. #____, Oct. 1985)

7-204. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel,

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Municipal code references
Restrictive use of fire hydrants: § 18-128
Special privileges with respect to traffic: title 15, chapter 2.
and work of the department. He shall submit a written report on such matters to the board of mayor and aldermen once each month, and at the end of the year a detailed annual report shall be made. (Ord. #___, Oct. 1985)

7-205. Tenure and compensation of members. The chief and all members of the fire department shall serve at the will and pleasure of the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board may from time to time prescribe. (Ord. #____, Oct. 1985)

7-206. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (Ord. #____, Oct. 1985)

7-207. Equipment to be used only within corporate limits generally.

(1) The primary obligation of the Bradford Fire Department, including men and apparatus will be to the citizens and property within the corporate limits of the City of Bradford.

(2) Rural fire service calls will be restricted, except as otherwise noted herein, to properties situated within a distance of five (5) miles of the firehouse of Bradford, Tennessee, or as approved by the fire department officers of the City of Bradford, Tennessee. Personnel and apparatus will not be dispatched to a rural fire when, in the opinion of the fire officer, the forces are not available due to commitment to fighting a fire within the corporate limits, outside the corporate limits, or a combination of the two districts.

(3) The city will not accept responsibility for damages incurred to any property due to failure to respond with men and apparatus to a rural fire because of the following:

(a) Personnel and apparatus committed or engaged in firefighting activities; or

(b) Lack of valid certificate of rural fire service.

(4) The city will answer fire calls for a service fee of five hundred dollars ($500.00) per call, effective July 1, 1984, for properties not covered by rural fire service insurance; provided that the owner maintains an interest-free cash deposit with the city at all times. Oral guarantees at the time of the alarm will be at the discretion of the fire officer.

(5) The city will answer fire calls for a service fee of five hundred dollars ($500.00) per call for properties insured for rural fire service by an approved insurance agency. All such coverage will become effective when
certification of rural fire service is properly executed by the insurance agency, the owner, and the city.

(6) Certification of rural fire service will remain with the insuring agency, even if ownership of agency changes, and any new owner will assume responsibilities for payment of fire service fees as set out in this statement of policy.

(7) The insuring agent or agency will be required to certify in writing that the agency will be responsible for payment of rural fire service calls for each insured property until the policy is cancelled, at which time the agency shall notify the fire department in writing of such cancellation. The agent or agency will be required to issue a separate check (other than general loss claim) to the city for rural fire services rendered. The city will furnish forms for the agents to complete and file with the Bradford Fire Department.

(8) All insurance agents providing rural fire service coverage must be approved by the city recorder. These agents may be required to post a one thousand dollar ($1,000.00) corporate surety performance and payment bond before being approved by the city recorder. After being approved by the city recorder, the agent is placed on the list of approved rural fire insurance coverage agents and may provide coverage for rural property.

(9) To be eligible for rural fire protection, a property owner must make a forty dollar ($40.00) non-refundable deposit for each piece of property to be covered. Renewal of rural fire protection shall be made to the Bradford Fire Department annually during the month of March. Each deposit will only cover one residential or commercial structure and those accessory buildings incidental to the use of the primary structure. The deposit remains with the property and cannot be transferred. After making the required deposit, the property owner must prove he has insurance with an approved agent sufficient to pay the five hundred dollar ($500.00) service fee.

(10) The forty dollar ($40.00) deposit is paid at Bradford City Hall and will be given a receipt for same.

(11) Along with his receipt, the property owner will be given a certification of rural fire service form to be completed by his insurance agent and returned to the fire department. The form certifies that the agent is aware of the rural fire service policies adopted by the city. It also states the name of the property owner and address of the property to be covered by the agent. Finally, this certificate places the responsibility for payment of the five hundred dollar ($500.00) service fee upon the approved agent.

(12) Fire protection is not available until the completed certificate is returned and approved by the fire chief. After the fire chief approves a certification of rural service it is filed at Bradford City Hall, and then the fire department is responsible for providing rural fire protection. When the certificate is approved by the fire chief, a letter acknowledging receipt and intent to provide fire service is mailed to the agent providing coverage to the property owner. Fire service will be provided to this property and the agent will be
responsible for the service fee of five hundred dollars ($500.00) until the agent notifies the fire department in writing that the rural fire service has been cancelled and the fire department acknowledges receipt of such notice.

(13) Within forty-eight (48) hours of the time apparatus returns to the station from a rural fire call, the fire chief shall submit a reminder to bill to the city recorder's office. A clerk will prepare and mail a statement to the designated insurance agent; and the balance will be treated as any other accounts receivable of the city.

(14) All forty dollar ($40.00) deposits and each five hundred dollar ($500.00) rural fire service fees which are collected shall be deposited in the general fund. Expenditures from this fund are by budget appropriation. Specific action by the city board is required for all non-budgeted items.

(15) The city will answer service calls in case of highway accidents and/or fires involving lives or damage in state property at the request of the Tennessee State Highway Patrol or properly identified persons approved by the fire officer.

(16) The Bradford Fire Department will continue the policy of reciprocal firefighting services with other municipalities.

(17) The city agrees to make every effort to inform rural citizens, by newspaper, that the fact that their insurance does not necessarily mean that they have rural fire service included. The individual policy owner should consult the Bradford Fire Department or their insurance agent and determine this fact for themselves. Rural fire service is available through reputable insurance companies at a nominal cost to the policy owner.

(18) The Bradford Fire Department shall not answer calls that are not covered in the above sections. (Ord. #____, Oct. 1985, modified)

7-208. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (Ord. #____, Oct. 1985)
7-301. **Purpose.** The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display within the corporate limits of the City of Bradford, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (Ord. #____, July 1985)

7-302. **Definition of terms.** As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise:

1. "Distributor," any person engaged in business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a jobber, wholesaler or retailer.

2. "I.C.C. class C common fireworks," shall mean all articles of fireworks as are now and hereafter classified as "ICC class C common fireworks" in the regulation of the Interstate Commerce Commission for the transportation of explosives and other dangerous articles.


4. "Manufacturer," any person engaged in making, manufacture, or construction of fireworks of any type within the City of Bradford or the State of Tennessee.

5. "Permit," a permit is the written authority of the City of Bradford issued under the authority of chapter 7, Bradford Municipal Code, or under the
authority of the state fire marshal issued under the authority of Tennessee Code Annotated, § 68-104-101, et seq.

(6) "Person," includes any corporation, association, copartnership or one (1) or more individuals.

(7) "Retailer," any person engaged in the business of making sales of fireworks to consumers.

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

(9) Singular and plural words used in the singular include the plural and the plural the singular.

(10) "Special fireworks" means all articles of fireworks that are classified as class B explosives in the regulation of the Interstate Commerce Commission and shall include all articles other than those classified as class C.

(11) "Wholesaler," any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail. (Ord. #____, July 1985)

7-303. Permits required for sale. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the City of Bradford, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the City of Bradford and also from the state fire marshal, possession of said permit being thereby a condition prerequisite to manufacturing, selling, or offering for sale, shipping or causing to be shipped any fireworks into or within the City of Bradford, except as herein provided. This provision applies to non-residents as well as residents of the City of Bradford.

(1) Prior to engaging in the sale within the City of Bradford, Tennessee, or shipment into the City of Bradford, of any fireworks each person must make application on forms secured from the City of Bradford and the state fire marshal for a permit or permits required under this chapter.

(2) The manufacture of bulk storage (storage other than limited amounts incidental to permitted retail sales or public displays) of fireworks within the corporate limits of the City of Bradford is prohibited, a violation of this section is unlawful and punishable under the provisions of this chapter or the applicable state code.

(3) The decision of the City of Bradford as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18) years. All permits shall be for the calendar year and any fraction thereof and shall expire on December 31st of each year, two (2) days of grace shall be allowed holder of permit, after the expiration thereof. Permits issued to retailers must be displayed near the point of sale and visible for public inspection. No permit provided herein shall be
transferable nor shall a person be permitted to operate under a permit issued to any other person. One permit shall be issued to each retail location.

(4) In addition to charges for permits authorized to the state fire marshal for state permits, the City of Bradford shall charge for permits issued as follows: twenty-five dollars ($25.00) per season (seasonal permit) and one hundred dollars ($100.00) for an annual permit. One season is as indicated on the State of Tennessee Retailer Fireworks Permit, the permit indicates two (2) periods of authorized sales.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and addresses of purchasers. All fees collected for said permits shall be payable directly to the general fund of the city and shall constitute general revenue. (Ord. #____, July 1985)

7-304. Business license required. The issuance of permits herein required does not replace or relieve any person of state, county or municipal licenses as now or hereafter provided by law. Before the issuance of any city business or privilege license, the city supervisor shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the City of Bradford and by the state fire marshal. (Ord. #____, July 1985)

7-305. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the City of Bradford, or ship into the City of Bradford, except as provided in § 7-306, any pyrotechnics, commonly known as "fireworks," other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fireworks only, and shall include those items enumerated in Tennessee Code Annotated, § 68-104-108, or which may be enumerated in said section. (Ord. #____, July 1985)

7-306. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in Tennessee Code Annotated, § 68-104-108, shall be sold, offered for sale, or possessed within the city, or used in the City of Bradford, except as herein provided for public display, unless it shall be properly named to conform to the nomenclature of Tennessee Code Annotated, § 68-104-108, and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container, "ICC class C common fireworks," such imprinting to be of sufficient size and so positioned as to be readily recognized by law-enforcement authorities, and the general public. (Ord. #____, July 1985)

for the controlled, public display of fireworks shall be obtained from the state fire marshal and also from the City of Bradford.  (Ord. #____, July 1985)

7-308. Retail sale of permissible articles—time limitations—exceptions.  Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be sold at retail to residents of the City of Bradford and used within the City of Bradford as stated by permits issued.  (Ord. #____, July 1985)

7-309. Private use of permissible articles—time limitations—exceptions.  Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored, used and expended within the City of Bradford by private citizens for their personal use and enjoyment under the following conditions:

1. Permitted fireworks shall not be ignited, exploded, or otherwise used in any area or location of the city whereby persons or property may be endangered.

2. Permitted fireworks shall not be ignited, exploded, or otherwise used within five hundred (500) feet of any business or storage area whereat or wherein flammable materials are sold, used or stored.

3. If the use of permitted fireworks in a specific area of the city becomes a public nuisance or endangerment to private or public property in the opinion of the fire department officials or law enforcement officers, these officials or their authorized representatives are authorized and directed to prohibit said use therein or thereat.

4. 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.  (Ord. #____, July 1985)

7-310. Regulations governing storing, locating or display of fireworks.  (1) At all places where fireworks are stored or sold, there must be posted signs with the words "fireworks--no smoking" in letters not less than four (4) inches high.  No person shall permit the presence of lighted cigars, cigarettes, or pipes, within ten (10) feet of where fireworks are offered for sale.

2. The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the city fire marshal or his authorized representative previous to the issuance of any required permits and licenses.  (Ord. #____, July 1985)

7-311. Unlawful acts in the sale and handling of fireworks.  It shall be unlawful to offer for retail sale or to sell any fireworks to any intoxicated or irresponsible person.  (Ord. #____, July 1985)
7-312. **Exceptions to application.** Nothing in this chapter shall be construed as applying to the manufacture, storage, sale of, 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 of the State of Tennessee or to the peace officers of the city or of the state, nor as prohibiting the sale or use of blank cartridges for ceremonial, or athletic events. (Ord. #____, July 1985)

7-313. **Penalty for violation.** Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, any individual, firm partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than thirty eight dollars ($38.00), nor more than fifty dollars ($50.00), plus court costs. Each day that any violation of the provisions of this chapter continues shall be a separate triable offense. (Ord. #____, July 1985)

7-314. **Seizure and destruction of fireworks.** The city fire marshal shall seize as contraband, any fireworks other than "class C common fireworks" as defined in § 7-305 hereof, and Tennessee Code Annotated, § 68-104-108, or special fireworks for public displays as provided in § 7-307 of this chapter. The fire marshal is authorized to destroy any fireworks so seized. (Ord. #____, July 1985)

7-315. **Requirements or compliance with state regulations not affected.** This chapter shall in no way effect the validity of any law or regulation promulgated by the State of Tennessee or by the fire marshal thereof, as relates to the control and regulation of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the City of Bradford in accordance with applicable state regulations, as augmented by the rules and regulations of the City of Bradford. (Ord. #____, July 1985)
TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, sell, furnish, or solicit orders for, any intoxicating liquor within this municipality. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1977 Code, § 2-101, modified)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
CHAPTER 2

BEER

SECTION
8-201. Prohibited generally.

8-201. Prohibited generally. Except as authorized by applicable laws, and/or ordinances, it shall be unlawful for any person to manufacture, receive, sell, furnish, or solicit orders for, any beer within the corporate limits of the city. (Ord. #____, July 1987, modified)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC. 1

CHAPTER
1. PEDDLERS, SOLICITORS, ETC.
2. TAXICABS.
3. POOL ROOMS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC. 2

SECTION
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.
9-108. Suspension or revocation 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, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

1Municipal code references
   Building, plumbing, wiring and housing regulations: title 12.
   Liquor and beer regulations: title 8.
   Noise reductions: title 11.

2Municipal code references
   Privilege taxes: title 5.
(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 Gibson 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" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does

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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).
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, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the 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 board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

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 under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.
CHAPTER 2

TAXICABS

SECTION
9-201. Taxicab franchise and privilege license required.
9-202. Requirements as to application and hearing.
9-203. Liability insurance or bond required.
9-204. Revocation or suspension of franchise.
9-205. Mechanical condition of vehicles.
9-207. Inspection of vehicles.
9-208. License and permit required for drivers.
9-209. Qualifications for driver's permit.
9-210. Revocation or suspension of driver's permit.
9-211. Drivers not to solicit business.
9-212. Parking restricted.
9-213. Drivers to use direct routes.
9-214. Taxicabs not to be used for illegal purposes.
9-215. Miscellaneous prohibited conduct by drivers.
9-216. Transportation of more than one passenger at the same time.
9-217. Fares.

9-201. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1977 Code, § 5-401)

9-202. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab

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1Municipal code reference
Privilege taxes: title 5.
service; present the application to the governing body; and make a
recommendation to either grant or refuse a franchise to the applicant. The
governing body shall thereupon hold a public hearing at which time witnesses
for and against the granting of the franchise shall be heard. In deciding
whether or not to grant the franchise the governing body shall consider the
public need for additional service, the increased traffic congestion, parking space
requirements, and whether or not the safe use of the streets by the public, both
vehicular and pedestrian, will be preserved by the granting of such an
additional taxicab franchise. Those persons already operating taxicabs when
this code is adopted shall not be required to make applications under this
section but shall be required to comply with all of the other provisions hereof.
(1977 Code, § 5-402)

9-203. Liability insurance or bond required. No taxicab franchise
shall be issued or continued in operation unless there is in full force and effect
a liability insurance policy or bond for each vehicle authorized in an amount
equal to that required by the state's financial responsibility law as set out in
Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond
required by this section shall contain a provision that it shall not be cancelled
except after at least twenty (20) days' written notice is given by the insuror to
both the insured and the recorder of the municipality. (1977 Code, § 5-403)

9-204. Revocation or suspension of franchise. The governing body,
after a public hearing, may revoke or suspend any taxicab franchise for
misrepresentations or false statements made in the application therefor or for
traffic violations or violations of this chapter by the taxicab owner or any driver.
(1977 Code, § 5-404)

9-205. Mechanical condition of vehicles. It shall be unlawful for any
person to operate any taxicab in the municipality unless such taxicab is
equipped with four (4) wheel brakes, front and rear lights, safe tires, horn,
muffler, windshield wipers, and rear view mirror, all of which shall conform to
the requirements of 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. The motor and all mechanical parts shall be kept in such condition or
repair as may be reasonably necessary to provide for the safety of the public and
the continuous satisfactory operation of the taxicab. (1977 Code, § 5-405)

9-206. Cleanliness of vehicles. All taxicabs operated in the
municipality shall, at all times, be kept in a reasonably clean and sanitary
condition. They shall be thoroughly swept and dusted at least once each day.
At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1977 Code, § 5-406)

9-207. **Inspection of vehicles.** All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1977 Code, § 5-407)

9-208. **License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1977 Code, § 5-408)

9-209. **Qualifications for driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

1. Makes written application to the chief of police.
2. Is at least eighteen (18) years of age and holds a state special chauffeur's license.
3. Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
4. Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
5. Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
6. Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent traffic offenses.
7. Is familiar with the state and local traffic laws. (1977 Code, § 5-409)

9-210. **Revocation or suspension of driver's permit.** The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1977 Code, § 5-410)

9-211. **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. (1977 Code, § 5-411)
9-212. **Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1977 Code, § 5-412)

9-213. **Drivers to use direct routes.** Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1977 Code, § 5-413)

9-214. **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. (1977 Code, § 5-414)

9-215. **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. (1977 Code, § 5-415)

9-216. **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. (1977 Code, § 5-416)

9-217. **Fares.** A flat rate of ________ shall be the charge for transporting one passenger from any one place to any other place within the corporate limits. If more than one passenger is carried on the same trip there may be an additional charge not to exceed ________ for each such additional passenger. If the place of origin or the destination is outside the corporate limits the fare shall be the flat rate plus ________ for each mile or fraction thereof the taxicab is required to travel outside the corporate limits. No extra charge shall be made for baggage or parcels. (1977 Code, § 5-417)
CHAPTER 3

POOL ROOMS

SECTION
9-301. Prohibited in residential areas.
9-302. Hours of operation.

9-301. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1977 Code, § 5-501)

9-302. Hours of operation. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire between the hours of 11:00 P.M. and 6:00 A.M. (1977 Code, § 5-502)

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1Municipal code reference
   Privilege taxes: title 5.
TITLE 10
ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS.

CHAPTER 1
IN GENERAL

SECTION
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Storage of food.
10-105. Keeping in such manner as to become a nuisance prohibited.
10-106. Seizure and disposition of animals.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1977 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section to come within three hundred (300) feet of any residence, place of business, or public street without a permit from the health officer or utility recorder. The health officer or city recorder shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1997 Code, § 3-102)

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. (1977 Code, § 3-103)

10-104. Storage of food. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1977 Code, § 3-104, modified)
10-105. **Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (1977 Code, § 3-105)

10-106. **Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health offices or by any police officer and confined in a pound provided or designated by the governing body. 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 governing body.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the governing body, to cover the costs of impoundment and maintenance. (1977 Code, § 3-107)

10-107. **Inspection of premises.** For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1977 Code, § 3-108)
CHAPTER 2

DOGS

SECTION
10-201. Rabies vaccination and registration required.
10-203. Running at large prohibited.
10-204. Vicious dogs to be securely restrained.
10-205. Noisy dogs prohibited.
10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-115) or other applicable law. (1977 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1977 Code, § 3-202)

10-203. Running at large prohibited. 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. (1977 Code, § 3-203)

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. (1977 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (1977 Code, § 3-205)

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

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1State law reference
may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1977 Code, § 3-206)

10-207. **Seizure and disposition of dogs.** Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the governing body. 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 governing body, or the dog will be humanely destroyed or sold. 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.

When because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman. (1977 Code, § 3-207)
TITLE 11

MUNICIPAL OFFENSES

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

CHAPTER 1

ALCOHOL

SECTION
11-101. Drinking beer, etc., on streets, etc.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (1977 Code, § 10-229)

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1Municipal code references
Housing and utility codes: title 12.
Fireworks and explosives: title 7.
Traffic offenses: title 15.
Streets and sidewalks (non-traffic): title 16.

2Municipal code reference
Sale of alcoholic beverages, including beer: title 8.
State law reference
See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).
CHAPTER 2

FORTUNE TELLING, ETC.

SECTION
11-201. Fortune telling, etc.

11-201. **Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1977 Code, § 10-234)
CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-301. Disturbing the peace.
11-302. Anti-noise regulations.

11-301. 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. (1977 Code, § 10-202)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or
disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

(k) **Noises to attract attention.** The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.
(l) **Loudspeakers or amplifiers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

(a) **Municipal vehicles.** Any vehicle of the municipality 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 municipality, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) **Noncommercial and nonprofit use of loudspeakers or amplifiers.** The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefore is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1977 Code, § 10-233)
CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
11-401. Impersonating a government officer or employee.
11-402. False emergency alarms.

11-401. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1977 Code, § 10-211)

11-402. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1977 Code, § 10-217)
CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION
11-501. Air rifles, etc.
11-502. Throwing missiles.
11-503. Weapons and firearms generally.

11-501. **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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1977 Code, § 10-213)

11-502. **Throwing missiles.** It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any building, tree, or other public or private property or upon or at any person. (1977 Code, § 10-214, modified)

11-503. **Weapons and firearms generally.** It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1977 Code, § 10-212, modified)
CHAPTER 6

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION
11-601. Trespassing.
11-602. Trespassing on trains.
11-603. Interference with traffic.

11-601. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1977 Code, § 10-226)

11-602. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1977 Code, § 10-221)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1977 Code, § 10-232)
CHAPTER 7

MISCELLANEOUS

SECTION
11-701. Caves, wells, cisterns, etc.
11-702. Posting notices, etc.
11-703. Wearing masks.
11-704. Basketball goals alongside or within public rights-of-way prohibited.

11-701. **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. (1977 Code, § 10-231)

11-702. **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. (1977 Code, § 10-227)

11-703. **Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

1. Children under the age of ten (10) years.
2. Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
3. Persons wearing gas masks in civil defense drills and exercises or emergencies.
4. Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1977 Code, § 10-235)

11-704. **Basketball goals alongside or within public rights-of-way prohibited.** (1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Bradford so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

2. Any violation of this section shall be punishable by a fine of fifty dollars ($50.00). (Ord. #030705, July 2005)
TITLE 12
BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE.
2. RESIDENTIAL CODE.
3. PLUMBING CODE.
4. ELECTRICAL CODE.
5. GAS CODE.
6. MECHANICAL CODE.
7. INTERNATIONAL ENERGY CONSERVATION CODE.

CHAPTER 1
BUILDING CODE

SECTION
12-102. Modifications.
12-103. Available in recorder's office.
12-104. Violations and penalty.

12-101. International 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 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,1 2003 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 building code.

12-102. Modifications. Definitions. Whenever in the international building code when reference is made to the duties of a certain official named therein, that designated official of the City of Bradford who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international building code are concerned.

1Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
12-103. **Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the international 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.** It shall be unlawful for any person to violate or fail to comply with any provision of the international building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.
CHAPTER 2
RESIDENTIAL CODE

SECTION
12-201. International residential code adopted.
12-203. Violations and penalty.

12-201. International residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code,¹ 2003 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 residential code.

12-202. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-203. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 3

PLUMBING CODE¹

SECTION
12-301. International plumbing code adopted.
12-302. Modifications.
12-303. Available in recorder's office.
12-304. Violations and penalty.

12-301. International 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,² 2003 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 plumbing code.

12-302. Modifications. (1) Definitions. Wherever the international plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

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

(2) Permit fees. The schedule of permit fees as recommended in "Appendix H" of the plumbing code is hereby adopted.

12-303. 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.

¹Municipal code references
   Cross connections: title 18.
   Street excavations: title 16.
   Wastewater treatment: title 18.
   Water and sewer system administration: title 18.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
12-304. **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 under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.
CHAPTER 4

ELECTRICAL CODE

SECTION
12-401. Electrical code adopted.
12-402. Available in recorder's office.
12-403. Permit required for doing electrical work.
12-404. Violations and penalty.
12-405. Enforcement.
12-406. Fees.

12-401. 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,\(^2\) 2002 edition, as prepared by the National Fire Protection Association, and the International Electrical Code--Administrative Provisions,\(^3\) 2003 edition, as prepared and adopted by the International Code Council, are hereby adopted and incorporated by reference as a part of this code.

12-402. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of each of the electrical codes has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-403. 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.

12-404. 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

\(^1\)Municipal code reference
Fire protection, fireworks and explosives: title 7.

\(^2\)Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

\(^3\)Copies of this code may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
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 under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

12-405. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical codes 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.

12-406. 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 5

GAS CODE

SECTION
12-503. Available in recorder's office.
12-504. Violations and penalty.


12-502. Modifications. 1. Definitions. Whenever in the fuel gas code when reference is made to the duties of a certain official named therein, that designated official of the City of Bradford who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the fuel gas code are concerned.

2. Permit fees. The schedule of permit fees shall be as provided by the board of mayor and aldermen by resolution.

12-503. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fuel gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 6

MECHANICAL CODE

SECTION

12-602. Available in recorder's office.
12-603. Violations.

12-601. **International mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing minimum regulations for mechanical systems using prescriptive and performance-related provisions, the International Mechanical Code,¹ 2003 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 mechanical code.

12-602. **Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public.

12-603. **Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified.

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¹Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 7

INTERNATIONAL ENERGY CONSERVATION CODE

SECTION
12-702. Available in recorder's office.
12-703. Violations and penalty.

12-701. International 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,2 2000 edition with 2002 amendments, 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.

12-702. 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.

12-703. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of

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1State law reference
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.

2Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
this code. Each day a violation is allowed to continue shall constitute a separate offense.
TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER
1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1977 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, 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. (1977 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1977 Code, § 8-106)

1Municipal code references
Littering streets, etc.: § 16-107.
Refuse storage and collection: title 17, chapter 1.
13-104. **Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1977 Code, § 8-107)

13-105. **Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1977 Code, § 8-108)

13-106. **Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1977 Code, § 8-109)
13-201. Junkyards. All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1977 Code, § 8-111)
CHAPTER 3

SLUM CLEARANCE¹

SECTION
13-301. Findings of board.
13-304. Initiation of proceedings; hearings.
13-305. Orders to owners of unfit structures.
13-306. When public officer may repair, etc.
13-307. When public officer may remove or demolish.
13-308. Lien for expenses; sale of salvage materials; other powers not limited.
13-309. Basis for a finding of unfitness.
13-310. Service of complaints or orders.
13-311. Enjoining enforcement of orders.
13-312. Additional powers of public officer.
13-313. Powers conferred are supplemental.

13-301. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

13-302. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
   (2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.
   (3) "Municipality" shall mean the City of Bradford, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.
   (4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

¹State law reference
Tennessee Code Annotated, title 13, chapter 21.
"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.

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

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

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

"Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

13-303. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector.

13-304. 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.

13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such
determination and shall issue and cause to be served upon the owner thereof an order:

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

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

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

13-307. 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.

13-308. 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 Gibson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom
said costs have been assessed and the fact that multiple owners have been
going in one (1) action shall not be considered by the court as a misjoinder of
parties. If the structure is removed or demolished by the public officer, he shall
sell the materials of such structure and shall credit the proceeds of such sale
against the cost of the removal or demolition, and any balance remaining shall
be deposited in the chancery court of Gibson County by the public officer, shall
be secured in such manner as may be directed by such court, and shall be
discharged by such court to the person found to be entitled thereto by final order
or decree of such court. Nothing in this section shall be construed to impair or
limit in any way the power of the City of Bradford to define and declare
nuisances and to cause their removal or abatement, by summary proceedings or
otherwise.

13-309. 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 Bradford. Such conditions may include the
following (without limiting the generality of the foregoing): defects therein
increasing the hazards of fire, accident, or other calamities; lack of adequate
ventilation, light, or sanitary facilities; dilapidation; disrepair; structural
defects; or uncleanliness.

13-310. Service of complaints or orders. Complaints or orders issued
by the public officer pursuant to this chapter shall be served upon persons,
either personally or by registered mail, but if the whereabouts of such persons
are unknown and the same cannot be ascertained by the public officer in the
exercise of reasonable diligence, and the public officer shall make an affidavit
to that effect, then the serving of such complaint or order upon such persons
may be made by publishing the same once each week for two (2) consecutive
weeks in a newspaper printed and published in the city. In addition, a copy of
such complaint or order shall be posted in a conspicuous place on premises
affected by the complaint or order. A copy of such complaint or order shall also
be filed for record in the Register's Office of Gibson County, Tennessee, and such
filing shall have the same force and effect as other lis pendens notices provided
by law.

13-311. Enjoining enforcement of orders. Any person affected by an
order issued by the public officer served pursuant to this chapter may file a bill
in chancery court for an injunction restraining the public officer from carrying
out the provisions of the order, and the court may, upon the filing of such suit,
issue a temporary injunction restraining the public officer pending the final
disposition of the cause; provided, however, that within sixty (60) days after the
posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

13-312. 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.

13-313. 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.

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.
TITLE 14

ZONING AND LAND USE CONTROL

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

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1977 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1977 Code, § 11-102)
CHAPTER 2

ZONING ORDINANCE

SECTION
14-201. Land use to be governed by zoning ordinance.

14-201. **Land use to be governed by zoning ordinance.** Land use within the City of Bradford shall be governed by Ordinance #______, titled "Zoning Ordinance, Bradford, Tennessee," and any amendments thereto.¹

¹Ordinance #______, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder. Amendments to the zoning map are of record in the office of the city recorder.
CHAPTER 3

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION
14-301. Findings of fact.
14-302. Purpose.
14-303. Objectives.
14-304. Definitions.
14-305. General provisions.
14-306. Designation of the city supervisor.
14-308. Duties and responsibilities of the city supervisor.
14-311. Standards for streams without established base flood elevations and/or floodways.
14-312. Standards for subdivision proposals.

14-301. Findings of fact. (1) The flood hazard areas of the City of Bradford are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damage. (Ord. #____, Feb. 1987)

14-302. Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
Control filling, grading, dredging and other development which may increase erosion or flood damage; and
Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. #____, Feb. 1987)

14-303. Objectives. The objectives of this ordinance are:
(1) To protect human life and health;
(2) To minimize expenditures of public money for costly flood control projects;
(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(4) To minimize prolonged business interruptions;
(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in the flood plains;
(6) To help maintain a stable tax base by providing for sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
(7) To insure that potential home buyers are notified that property is in a flood area. (Ord. #____, Feb. 1987)

14-304. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and give this ordinance its most reasonable application.
(1) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by the fire wall or is separated by independent perimeter load-bearing walls is new construction.
(2) "Appeal" means a request for a review of the City of Bradford's interpretation of any provision of this ordinance or a request for a variance.
(3) "Area of shallow flooding" means a designated AO or VO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
(4) "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
(5) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
(6) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.
"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
(a) The overflow of inland or tidal waters;
(b) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in a close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required
utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

(18) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

(19) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

(20) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(21) "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(22) "Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(23) "Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during (the life of a structure) (a ________ year period), in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary,
or safety code specifications which are solely necessary to assure safe living conditions.

(24) "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship. (Ord. #____, Feb. 1987)

14-305. General provisions. (1) Lands to which this ordinance applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Bradford.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood hazard analysis, dated July 1976, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

(3) Establishment of development permit. A development permit shall be required in conformance with the provisions of this ordinance prior to commencement of any development activities.

(4) Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body, and;

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Bradford or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereof.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or
special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $_________ and in addition, shall pay all costs and expenses involved in the case. Each such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Bradford from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. #____, Feb. 1987)

14-306. Designation of the city supervisor. The city supervisor is hereby appointed to administer and implement the provisions of this ordinance. (Ord. #____, Feb. 1987)

14-307. Permit procedures. Application for a development permit shall be made to the city supervisor on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Application stage. 
   a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
   b. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.
   c. Certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure will meet the flood-proofing criteria in § 14-310(2)(b) and;
   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction stage. Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the city supervisor a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The city supervisor shall
review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project. (Ord. #____, Feb. 1987)

14-308. **Duties and responsibilities of the city supervisor.** Duties of the city supervisor shall include, but not be limited to:

1. Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
2. Advise permittees that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the Tennessee State Planning Office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 14-307(2).
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 14-307(2).
7. When flood-proofing is utilized for a particular structure, the city supervisor shall obtain certification from a registered professional engineer or architect, in accordance with § 14-310(2)(b).
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the city supervisor shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.
9. When base flood elevation data or floodway data have not been provided in accordance with § 14-305(2) then the city supervisor shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of § 14-310.
10. All records pertaining to the provisions of this ordinance shall be maintained in the office of the city supervisor and shall be open for public inspection. (Ord. #____, Feb. 1987)
14-309. Variance procedures. (1) The zoning appeals board as established by the board of mayor and aldermen shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The zoning appeals board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city supervisor in the enforcement or administration of this ordinance.

(3) Any person aggrieved by the decision of the zoning appeals board or any taxpayer may appeal such decision to the board of mayor and aldermen.

(4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for § 14-309(7)(a) and (d), and provided the proposed reconstruction rehabilitation, or restoration will not result in the structure losing its historical designation.

(5) In passing upon such applications, the city supervisor shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(6) Upon consideration of the factors listed above, and the purposes of this ordinance, the zoning appeals board may attach such conditions to the
granting of variances as it deems necessary to further the purposes of this ordinance.

(7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(8) Conditions for variances:
   (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
   (b) Variances shall only be issued upon:
       (i) A showing of good and sufficient cause;
       (ii) A determination that failure to grant the variance would result in exceptional hardship, and;
       (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with exiting local laws or ordinances.
   (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
   (d) The city supervisor shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #____, Feb. 1987)

14-310. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard the following provisions are required:
   (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
   (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
   (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
   (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(i) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

(2) Specific standards. In all areas of special flood hazard where base flood elevation data have been provided, as set forth in § 14-305(2) or § 14-308(9), the following provisions are required:

(a) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including ____________________.

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than (___ feet) above the level of the base flood elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 14-307(1)(c).

(c) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
(A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot above grade; and,

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

(iii) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(iv) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Floodways. Located within areas of special flood hazard established in § 14-305(2), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(i) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

(ii) If § 14-310(2)(d)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 14-310.

(iii) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured home (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of § 14-310-(1)(a), and the elevation standards of § 14-310(2)(a) are met.

(iv) When a building permit is requested for a mobile home, the city supervisor will be required to check with all residents with adjoining property to see if there are no objections with mobile homes being placed in the location stated on the permit. If there are no objections, the permit shall be granted.

(Ord. #____, Feb. 1987)
14-311. **Standards for streams without established base flood elevations and/or floodways.** Located within the areas of special flood hazard established in § 14-305(2), where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

1. No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to three (3) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with § 14-308(9). (Ord. #____, Feb. 1987)

14-312. **Standards for subdivision proposals.** (1) All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres. (Ord. #____, Feb. 1987)
TITLE 15
MOTOR VEHICLES, TRAFFIC AND PARKING

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

CHAPTER 1
MISCELLANEOUS

SECTION
15-102. Driving on streets closed for repairs, etc.
15-103. One-way streets.
15-104. Unlaned streets.
15-105. Laned streets.
15-106. Yellow lines.
15-107. Miscellaneous traffic control signs, etc.
15-108. General requirements for traffic control signs, etc.
15-109. Unauthorized traffic control signs, etc.
15-110. Presumption with respect to traffic control signs, etc.
15-111. School safety patrols.
15-112. Driving through funerals or other processions.

1\textsuperscript{Municipal code reference}
Excavations and obstructions in streets, etc.: title 16.

2\textsuperscript{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, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.
15-114. Riding on outside of vehicles.
15-118. Vehicles and operators to be licensed.
15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
15-121. Delivery of vehicle to unlicensed driver, etc.
15-122. Damaging pavements.
15-123. Sale of city stickers authorized.

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. (1977 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. (1977 Code, § 9-106)

15-103. **One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1977 Code, § 9-109)

15-104. **Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:
   (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
   (b) When the right half of a roadway is closed to traffic while under construction or repair.
   (c) Upon a roadway designated and signposted by the 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. (1977 Code, § 9-110)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1977 Code, § 9-111)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1977 Code, § 9-112)

15-107. Miscellaneous traffic control signs, etc. 1 It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1977 Code, § 9-113)

15-108. General requirements for traffic control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, 2 and shall be uniform as to type and location throughout the city. (1977 Code, § 9-114).

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

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1Municipal code references
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

2For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.
official traffic control sign, signal, marking, or device or any railroad sign or signal. (1977 Code, § 9-115)

15-110. Presumption with respect to traffic control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority. All presently installed traffic-control signs, signals, markings, and devices are hereby expressly authorized, ratified, approved, and made official. (1977 Code, § 9-116)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1977 Code, § 9-117)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1977 Code, § 9-118)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1977 Code, § 9-120)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1977 Code, § 9-121)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1977 Code, § 9-122)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag.
being not less than twelve (12) inches square. Between one-half (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. (1977 Code, § 9-123)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1977 Code, § 9-124)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operator's and Chauffeurs' License Law." (1977 Code, § 9-125)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1977 Code, § 9-126)

15-120. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3)
wheels in contact with the ground, but excluding a tractor or motorized bicycle.

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

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

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

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

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

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

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

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

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.
15-121. **Delivery of vehicle to unlicensed driver, etc.** (1)

**Definitions.**

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

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

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

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

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

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

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

15-122. **Damaging pavements.** No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1977 Code, § 9-119)

15-123. **Sale of city stickers authorized.** (1) All resident owners or operators of motor vehicles regularly garaged in the City of Bradford shall be required to purchase a city sticker annually on or before the 10th day of October. A penalty will be assessed after the 10th day of October. A citation to appear in city court will be issued after the 1st of November for failure to purchase a city
sticker. Court costs and the requirement to purchase a city sticker will be assessed at that time.

(2) Upon payment of a city sticker the vehicle operator or owner shall be issued a serially numbered sticker which the owner or operator shall firmly attach to the metal state license plate issued for his or her vehicle so that it may be readily observed from the outside of the vehicle.

(3) A violation of any provision of this section shall subject the offender to be cited into city court and will be required to purchase a city sticker and pay court cost. (Ord. #102901, Oct. 2001)
CHAPTER 2

EMERGENCY VEHICLES

SECTION
15-201. Authorized emergency vehicles defined.
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. (1977 Code, § 9-102)

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

(2) The driver of an authorized emergency vehicle may:
   (a) Park or stand, irrespective of the provisions of this title;
   (b) Proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear;
   (c) Exceed the maximum speed limit; and
   (d) 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

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1Municipal code reference
   Operation of other vehicle upon the approach of emergency vehicles:
   § 15-501.
consequences of his reckless disregard for the safety of others. (1977 Code, § 9-103)

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. (1977 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. (1977 Code, § 9-105)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.
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. (1977 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. (1977 Code, § 9-202)

15-303. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1977 Code, § 9-203, modified)

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. (1977 Code, § 9-204)
CHAPTER 4

TURNING MOVEMENTS

SECTION
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1977 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. (1977 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 (2) roadways. (1977 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. (1977 Code, § 9-304)


¹State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 5

STOPPING AND YIELDING

SECTION
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.\(^1\) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall yield 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. (1977 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. (1977 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. (1977 Code, § 9-403)

\(^1\)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 (1,500) 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. ((1977 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 cross walk on the near side of the intersection or, if there is no cross walk, immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety. (1977 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. (1977 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, the following colors only 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 such 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 to do so 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 to do so 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) Pedestrian facing such signal not shall enter the roadway unless authorized to do so by 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.

(1977 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 by 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. (1977 Code, § 9-409)

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 signals 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 crossing on the walk signal shall proceed the nearest sidewalk or safety zone while the wait signal is showing. (1977 Code, § 9-409)

15-510. Stops to be signalled. 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 intentions in accordance with the requirements of the state law, except in an emergency. (1977 Code, § 9-410)
CHAPTER 6
PARKING

SECTION
15-603. Occupancy of more than one space.
15-604. Where prohibited.

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

Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the 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. (1977 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. (1977 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. (1977 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 municipality, 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 (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance;
(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
(10) Upon any bridge; and
(11) Alongside any curb painted yellow or red by the municipality. (1977 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1977 Code, § 9-505)
CHAPTER 7
ENFORCEMENT

SECTION
15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.

15-701. **Issuance of traffic citations.**¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1977 Code, § 9-601)

15-702. **Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1977 Code, § 9-602)

15-703. **Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1977 Code, § 9-603)

¹Municipal code reference
Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.
State law reference
15-704. **Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs. The fee for impounding a vehicle shall be five dollars ($5.00) and the storage cost shall be one dollar ($1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1977 Code, § 9-604)

15-705. **Abandoned motor vehicles.** (1) Declaration of purpose. In enacting this section, the Board of Mayor and Aldermen of the City of Bradford find and declare that the accumulation and storage of wrecked, junked, partially dismantled, abandoned or inoperative motor vehicles are in the nature of rubbish and unsightly debris, and constitute a nuisance detrimental to the health, safety, and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property; create safety and health hazards to minors as well as adults, interfere with the comfort and well being of the public and create, extend, and aggravate urban blight, and that the public health, safety and general welfare require that such conditions be regulated, abated, and prohibited.

(2) **Storage on private property restricted.** It shall be unlawful to park, store, or leave, or to permit the parking or storing of any unlicensed motor vehicle of any kind, for a period in excess of ten (10) days, when such vehicle is in a rusted, wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon private property within the city unless the same is completely enclosed within a building or unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise.

(3) **Removal required.** The accumulation and storage of one or more such motor vehicle in violation of the provisions of this chapter shall constitute rubbish and debris and a nuisance detrimental to the health, safety, and welfare of the inhabitants of the city. It shall be the duty of the registered owners of such motor vehicles and it shall also be the duty of the person in charge or control of the private property upon which such motor vehicle is located, whether as owner, tenant, occupant, lessee, or to otherwise, to remove the same to a place of lawful storage, or have the motor vehicle housed within a building where it will not be visible from the street.

(4) **Notice to remove.** Whenever there are reasonable grounds to believe that a violation of the provisions of this chapter exist, the director of the police department shall give or cause to be given, a written notice to the registered owner of any motor vehicle which is in violation of this chapter, or shall give such notice to the owner or person in lawful possession or control of
the private property upon which such motor vehicle is located, or shall give such notice to both the registered owner and to the owner or person in lawful possession or control of such private property that said motor vehicle violates the provisions of this chapter, and demand that said motor vehicle be removed to a place of lawful storage within ten (10) days or that within ten (10) days the same be housed in a building where it will not be visible from the street. Service of such notice shall be by mail and duly posted.

(5) **Failure to remove.** Any person who fails, neglects, or refuses to remove the wrecked, junked, partially dismantled, abandoned, or inoperative motor vehicle or house the same and abate said nuisance in accordance with the notice as provided herein, shall be in violation of the provisions of this section and shall be guilty of a misdemeanor.

(6) **Removal by city.** In addition to and not in lieu of any other procedure prescribed in this section or in this code for removal of abandoned or inoperative motor vehicles from private property, if the registered owner of any vehicle is in violation of this section or the owner or person in lawful possession or control of the private property upon which the same is located shall fail, neglect, or refuse to remove or house such wrecked, junked, partially dismantled, abandoned, or inoperative motor vehicle in accordance with the notice given pursuant to the provisions of this section, the director of the police department may remove and dispose of such vehicle in a manner provided for by Tennessee Code Annotated, title 55, chapter 16. He may thereafter maintain an action in the name of the city, in the appropriate court, against any person or persons upon whom notice was served as required by the section to recover the costs of removing and disposing of such vehicle in the event the proceeds of any sale thereof shall be insufficient to recover such costs. Any court costs and interest incurred by the city shall be charged against any person or persons upon whom notice was served as required by the this section.

(7) **Entry to remove; removal by owner.** The director of the police department, and any regularly employed and salaried officer of the police department of the city, contracting agents, and employees of such contracting agents, and authorized officers, employees, and agents of the City of Bradford, and each of them, are hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this section. It shall be unlawful for any person to interfere with, hinder, or refuse to allow them to enter upon private property for such purpose and to remove any motor vehicle in accordance with the provisions of this section. Any person to whom notice was given pursuant to this section shall have the right to remove or house such motor vehicle in accordance with said notice at his or her own expense, at any time prior to the arrival of the director of the police department or his authorized representatives for the purpose of removal. (Ord.#____, June 1990)
TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Parades, etc., regulated.
16-111. 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. (1977 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 or out over any sidewalk at a height of less than eight (8) feet. (1977 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference
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. (1977 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1977 Code, § 12-104)

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the governing body after a finding that no hazard will be created by such banner or sign. (1977 Code, § 12-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1977 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1977 Code, § 12-107)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1977 Code, § 12-108)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1977 Code, § 12-109)

**16-110. Parades, etc., regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder

¹Municipal code reference
Building code: title 12, chapter 1.
unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreements to clean up the resulting litter immediately. (1977 Code, § 12-110)

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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1977 Code, § 12-112)

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. (1977 Code, § 12-113)
CHAPTER 2

EXCAVATIONS AND CUTS

SECTION
16-201. Permit required.  It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1977 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1977 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($0.25) for each additional square foot in the case of excavations, or lineal foot in the case of
tunnels; but not to exceed one hundred dollars ($100.00) for any permit. (1977 Code, § 12-203)

16-204. **Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars ($25.00) if no pavement is involved or seventy-five dollars ($75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the 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.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1977 Code, § 12-204)

16-205. **Manner of excavating–barricades and lights–temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1977 Code, § 12-205)

16-206. **Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this 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 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. (1977 Code, § 12-206)

16-207. **Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $250,000 for each person and $600,000 for each accident, and for property damages not less than $85,000 for any one (1) accident. (1977 Code, § 12-207, modified)

16-208. **Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the 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. (1977 Code, § 12-208)

16-209. **Supervision.** The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the 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. (1977 Code, § 12-209)

16-210. **Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island or 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. (1977 Code, § 12-210)
TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER 1
1. REFUSE STORAGE AND COLLECTION.

CHAPTER 1

REFUSE STORAGE AND COLLECTION

SECTION
17-102. Premises to be kept clean.
17-103. Storage.
17-104. Location of containers.
17-105. Disturbing containers.
17-106. Collection.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1977 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1977 Code, § 8-202)

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

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1Municipal code references
Junkyards: title 13, chapter 2.
Property maintenance regulations: title 13.

2Ordinances establishing garbage collection rates are of record in the office of the city recorder.
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. (1977 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the municipality 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. (1977 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1977 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1977 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1977 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for
refuse disposal by the governing body is expressly prohibited. (1977 Code, § 8-208)
TITLE 18
WATER AND SEWERS\(^1\)

CHAPTER
1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. SEWER USE ORDINANCE.
5. SEWER USE ENFORCEMENT RESPONSE PLAN.
6. WASTEWATER TREATMENT FACILITIES.
7. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1
WATER AND SEWER SYSTEM ADMINISTRATION

SECTION
18-102. Definitions.
18-103. Obtaining service.
18-104. Application and contract for service.
18-105. Service charges for temporary service and for water customers moving to a new address.
18-106. Connection charges.
18-108. Water and sewer main extension variances.
18-110. Meter tests.
18-111. Multiple services through a single meter.
18-113. Discontinuance or refusal of service.
18-114. Re-connection charge.
18-115. Termination of service by customer.
18-117. Inspections.
18-118. Customer's responsibility for system's property.
18-120. Supply and resale of water.

\(^1\)Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.
18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1977 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the municipality under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the municipality 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 municipality's water main to and including the meter and meter box.

(4) "Discount date" shall be prior to 8:00 A.M. on the 20th of the month, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(5) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit or other multiple dwelling unit shall be considered a separate dwelling.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1977 Code, § 13-102, modified)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1977 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract. 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 municipality for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality 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 municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1977 Code, § 13-104)

18-105. Service charges for temporary service and for water customers moving to a new address. (1) Sewer 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.

(2) Water service. The fee for customers that have paid their connection fee and are moving to a new address and connection fee for temporary use of water shall be as follows:

Customers moving to a new address served by Bradford Water Dept. .......................................................... 00.00
Temporary use of water (30 days or less) ......................... 00.00

(1977 Code, § 13-105, modified)

18-106. Connection charges.¹ Service lines will be laid by the municipality 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 municipality.

Before a new water or sewer service line will be laid by the municipality, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the municipality the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the municipality 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 municipality. 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. (1977 Code, § 13-106)

¹Ordinances or resolutions specifying a deposit for water/sewer service in the municipality are available in the office of the city recorder.
18-107. **Water and sewer main extensions.**¹ Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Waterworks Association Standard (or other construction approved by the governing body), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than one thousand (1,000) feet from the most distant part of any dwelling structure and no farther than six hundred (600) feet from the most distant part of any commercial, industrial, or public building, such measurements to be used on road or street distances; cement-lined cast iron pipe (or other construction approved by the governing body) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the governing body shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality 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 municipality, such water and/or sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality 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. (1977 Code, § 13-108)

18-108. **Water and sewer main extension variances.** Whenever the governing body is of the opinion that it is to the best interest of the municipality 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 governing body.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1977 Code, § 13-109)

¹Municipal code reference  
Construction of building sewers: title 18, chapter 2.
18-109. **Meters.** All meters shall be installed, tested, repaired, and removed only by the municipality.

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 municipality. 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. (1977 Code, § 13-110)

18-110. **Meter tests.** The municipality 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:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;, 3/4&quot;, 1&quot;, 2&quot;</td>
<td>2%</td>
</tr>
<tr>
<td>3&quot;</td>
<td>3%</td>
</tr>
<tr>
<td>4&quot;</td>
<td>4%</td>
</tr>
<tr>
<td>6&quot;</td>
<td>5%</td>
</tr>
</tbody>
</table>

The municipality 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:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Test Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;, 3/4&quot;, 1&quot;</td>
<td>$2.00</td>
</tr>
<tr>
<td>1-1/2&quot;, 2&quot;</td>
<td>5.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>8.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>12.00</td>
</tr>
<tr>
<td>6&quot; and over</td>
<td>20.00</td>
</tr>
</tbody>
</table>

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1977 Code, § 13-111)

18-111. **Multiple services through a single meter.** No customer shall supply water or sewer service to more than one dwelling or premise from a

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1Ordinances or resolutions specifying a meter deposit are available in the office of the city recorder.
single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1977 Code, § 13-113)

18-112. Billing. Bills for residential water and sewer service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the City of Bradford.

Charges for water and wastewater service shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer charges owed by the customer. Water service may be discontinued for non-payment of the combined bill.

Water and wastewater bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

Should the final date of payment of a bill at the net rate fall on Sunday or a holiday, the business day next following the final date shall be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the City of Bradford if the envelope is postmarked on or before the final date for payment of the net amount.

Customers found to be delinquent after the final date for payment shall be subject to disconnection of their water service without additional notification or warning by the City of Bradford.

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 of Bradford reserves the right to render an estimated bill based on the best information available.

18-113. Discontinuance or refusal of service. The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:
(1) These rules and regulations;
(2) The customer's application for service;
(3) The customer's contract for service.

Such right to discontinue service shall apply to all services received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1977 Code, § 13-115)

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars ($25.00) shall be collected by the municipality before service is restored. (1977 Code, § 13-116)

18-115. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality 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 municipality 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 municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality 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. (1977 Code, § 13-117)

18-116. Access to customers' premises. The municipality'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 municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1977 Code, § 13-118)

18-117. Inspections. The municipality 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 municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1977 Code, § 13-119)

18-118. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property arising from the neglect of a customer to properly care for it, the cost of necessary repairs or replacements shall be paid by the customer. (1977 Code, § 13-120)

18-119. Customer's responsibility for violations. Where the municipality 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. (1977 Code, § 13-121)

18-120. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality, 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 municipality. (1977 Code, § 13-122)

18-121. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1977 Code, § 13-123)
18-122. **Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, 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 municipality a written notice of such occurrence. (1977 Code, § 13-124)

18-123. **Damages to property due to water pressure.** The municipality 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 municipality's water mains. (1977 Code, § 13-125)

18-124. **Liability for cutoff failures.** The municipality'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 municipality has failed to cut off such service.
2. The municipality has attempted to cut off a service but such service has not been completely cut off.
3. The municipality 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 municipality's main.

Except to the extent stated above, the municipality 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 municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1977 Code, § 13-126)

18-123. **Restricted use of water.** In times of emergencies or in times of water shortage, the municipality 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. (1977 Code, § 13-127)

18-126. **Interruption of service.** The municipality will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality 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 municipality 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. (1977 Code, § 13-128)

18-127. **Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.¹ Sewer charges shall be based on 62% of the amount of water usage billed. (1977 Code, § 13-112, as amended by Ord. #61704, June 2004)

18-128. **Restrictive use of fire hydrants.**² The capacity indicating color scheme that the city shall have for fire hydrants which are on the city's system shall be as follows:

<table>
<thead>
<tr>
<th>Color</th>
<th>Class</th>
<th>Flow at 20 psig residual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green</td>
<td>A</td>
<td>1000 gpm or more</td>
</tr>
<tr>
<td>Red</td>
<td>B</td>
<td>500 to 1000 gpm</td>
</tr>
<tr>
<td>White</td>
<td>C</td>
<td>Less than 500 gpm</td>
</tr>
</tbody>
</table>

(Ord. #____, Dec. 1995)

¹Administrative ordinances and resolutions are of record in the office of the city recorder.

²State law reference

CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS

SECTION
18-201. Definitions.
18-202. Use of public sewers required.
18-203. Private sewage disposal.
18-204. Building sewers and connections.
18-205. Use of the public sewers.
18-206. Protection from damage.
18-207. Powers and authority of inspectors.
18-208. Violations.

18-201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.
(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.
(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
(13) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.
(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
(16) "Sewer" shall mean a pipe or conduit for carrying sewage.
(17) "Shall" is mandatory; "may" is permissive.
(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
(20) "Superintendent" shall mean the superintendent of sewage works and/or water pollution control of the municipality, or his authorized deputy, agent, or representative.
(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1977 Code, § 13-201)

18-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.
(2) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality and abutting on any street, alley, or right-of-way, in which there
is now located or may in the future be located, a public sanitary or combined
sewer of the municipality, is hereby required at his expense to install suitable
toilet facilities therein, and, to connect such facilities directly with the proper
public sewer in accordance with the provisions of this chapter, within ninety (90)
days after date of official notice to do so, provided that said public sewer is
within two hundred (200) feet of the property line.  (1977 Code, § 13-202)

18-203. Private sewage disposal. The disposal of sewage by means
other than the use of the sanitary sewage system shall be in accordance with
local and state laws. The disposal of sewage by private disposal systems shall
be permissible only in those instances where service from the sanitary sewage
system is not available.  (1977 Code, § 13-203)

18-204. Building sewers and connections.  (1) No unauthorized
person shall uncover, make any connections with or opening into, use, alter, or
disturb any public sewer or appurtenance thereof without first obtaining a
written permit from the superintendent.
(2) There shall be two (2) classes of building sewer permits:
(a) For residential and commercial service, and
(b) For service to establishments producing industrial wastes.
In either case, the owner or his agent shall make application on a special form
furnished by the municipality. The permit applicator shall be supplemented by
any plans, specifications, or other information considered pertinent in the
judgment of the superintendent.
(3) All costs and expenses incident to the installation and connection
of the building sewer shall be borne by the owner. The owner shall indemnify
the municipality from any loss or damage that may directly or indirectly be
occasioned by the installation of the building sewer.
(4) A separate and independent building sewer shall be provided for
every building; except where one building stands at the rear of another on an
interior lot and no private sewer is available or can be constructed to the rear
building through an adjoining alley, court, yard, or driveway, the building sewer
from the front building may be extended to the rear building and the whole
considered as one building sewer.
(5) Old building sewers may be used in connection with new buildings
only when they are found, on examination and test by the superintendent, to
meet all requirements of this chapter.
(6) The size, slope, alignment, materials of construction of a building
sewer, and the methods to be used in excavating, placing of the pipe, jointing,
testing, and backfilling the trench, shall all conform to the requirements of the
building and plumbing code or other applicable rules and regulations of the
municipality. In the absence of code provisions or in amplification thereof, the
materials and procedures set forth in appropriate specifications of the A.S.T.M.
and W.P.C.F. Manual of Practice No. 9 shall apply.
(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality.

(1977 Code, § 13-204)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling, water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

   (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

   (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process,
constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty degrees (150°) F (0 and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing a strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Environment and Conservation, for such materials.
(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:
   (i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
   (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
   (iii) Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.
   (iv) Unusual volume of flow or concentration of wastes constituting "slugs" and defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Environment and Conservation, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:
   (a) Reject the wastes;
   (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
   (c) Require control over the quantities and rates and discharge; and/or
(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and the Tennessee Department of Environment and Conservation, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the municipality and
any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefor, by the industrial concern. (1977 Code, § 13-205)

18-206. Protection from damage. No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1977 Code, § 13-206)

18-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) of this section, the superintendent or duly authorized employees of the municipality 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 municipal employees and the municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1977 Code, § 13-207)

18-208. Violations. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violation. (1977 Code, § 13-208)
CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION
18-301. Definitions.
18-302. Places required to have sanitary disposal methods.
18-303. When a connection to the public sewer is required.
18-304. When a septic tank shall be used.
18-305. Registration and records of septic tank cleaners, etc.
18-306. Use of pit privy or other method of disposal.
18-307. Approval and permit required for septic tanks, privies, etc.
18-308. Owner to provide disposal facilities.
18-309. Occupant to maintain disposal facilities.
18-310. Only specified methods of disposal to be used.
18-311. Discharge into watercourses restricted.
18-312. Pollution of ground water prohibited.
18-313. Enforcement of chapter.
18-314. Carnivals, circuses, etc.
18-315. Violations.

18-301. Definitions. The following definitions shall apply in the interpretation of this chapter:

1. "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way;

2. "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;

3. "Human excreta." The bowel and kidney discharges of human beings;

4. "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;

5. "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and

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1 Municipal code reference
   Plumbing code: title 12, chapter 2.
Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1977 Code, § 8-301)

18-302. **Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1977 Code, § 8-302)

18-303. **When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1977 Code, § 8-303)

18-304. **When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1977 Code, § 8-304)
18-305. **Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1977 Code, § 8-305)

18-306. **Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1977 Code, § 8-306)

18-307. **Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1977 Code, § 8-307)

18-308. **Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-302, or the agent of the owner to provide such facilities. (1977 Code, § 8-308)

18-309. **Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1977 Code, § 8-309)

18-310. **Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1977 Code, § 8-310)

18-311. **Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1977 Code, § 8-311)

18-312. **Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing
facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1977 Code, § 8-312)

18-313. **Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1977 Code, § 8-313)

18-314. **Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1977 Code, § 8-314)

18-315. **Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1977 Code, § 8-315)
CHAPTER 4
SEWER USE ORDINANCE

SECTION
18-401. General provisions.
18-402. Abbreviations.
18-403. Connection to public sewers.
18-404. Private domestic wastewater disposal.
18-405. Regulation of holding tank waste disposal.
18-406. Application for domestic wastewater discharge and industrial wastewater discharge permits.
18-407. Discharge regulations.
18-408. Industrial user monitoring, inspection reports, records access, and safety.
18-409. Enforcement and abatement.
18-410. Penalties; costs.
18-411. Fees and billing.
18-412. Validity.

18-401. General provisions. (1) Purpose and policy. This ordinance sets forth uniform requirements for the disposal of wastewater in the service area of the City of Bradford, Tennessee, wastewater treatment system. The objectives of this ordinance are:

(a) To protect the public health;
(b) To provide problem free wastewater collection and treatment service;
(c) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, will cause physical damage to the wastewater treatment system facilities;
(d) To provide for full and equitable distribution of the cost of the wastewater treatment system;
(e) To enable the City of Bradford to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations;
(f) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this ordinance provides that all persons in the service area of the City of Bradford must have adequate wastewater treatment either in the form of a connection to the municipal wastewater
treatment system or, where the system is not available, an appropriate private
disposal system. The ordinance also provides for the issuance of permits to
system users, for the regulations of wastewater discharge volume and
characteristics, for monitoring and enforcement activities; and for the setting of
fees for the full and equitable distribution of costs resulting from the operation,
maintenance, and capital recovery of the wastewater treatment system and from
other activities required by the enforcement and administrative program
established herein.

This ordinance shall apply to the City of Bradford, Tennessee, and to
persons outside the city who are, by contract or agreement with the city users
of the municipal wastewater treatment system. Except as otherwise provided
herein, the water and sewer superintendent of the City of Bradford shall
administer, implement, and enforce the provisions of this ordinance.

(2) Definitions. Unless the context specifically indicates otherwise, the
following terms and phrases, as used in this ordinance, shall have the meanings
hereinafter designated:

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

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

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

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

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

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

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

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

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

(g) "City." The City of Bradford or the Board of Mayor and
Aldermen, City of Bradford, Tennessee.
(h) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now, or may in the future, 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.

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

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

(k) "Customer." Any individual, partnership, corporation, association, or group who received sewers service from the city under either an express or implied contract requiring payment to the city for such service.

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

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

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

(o) "Garbage." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(p) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(q) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(r) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(s) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(t) "Industrial 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).
(u) "Interference." The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(v) "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.

(w) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface ground water.

(x) "NPDES (National Pollution Discharge Elimination System." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(y) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard if thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(z) "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.

(aa) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(bb) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(cc) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances,
biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(dd) "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 as prohibited by 40 CFR Section 40.36(d).

(ee) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(ff) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (city), who are, by contract or agreement with the (city) users of the (city's) POTW.

(gg) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(hh) "Shall" is mandatory; "May" is permissive.

(ii) "Significant industrial user." Any industrial user of the city's wastewater disposal system who

(i) Has a discharge flow of twenty five thousand (25,000) gallons or more per average work day;

(ii) Has a flow greater than 5% of the flow in the city's wastewater treatment system; or

(iii) Has in his wastes toxic pollutants as defined pursuant to section 307 of the Act of (State) Statutes and Rules or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(jj) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any
discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(kk) "State." The State of Tennessee.

(ll) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(mm) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(nn) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(oo) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and which is removable by laboratory filtering.

(pp) "Superintendent." The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(qq) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(rr) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(ss) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(tt) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(uu) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof. (Ord. #13, Sept. 1987)

18-402. Abbreviations. The following abbreviations shall have the designated meanings:

(1) BOD - Biochemical Oxygen Demand.
18-403. **Connection to public sewers.** (1) Requirements for proper wastewater disposal.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Bradford, any human or animal, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the City of Bradford any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in § 18-403(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-403(1)(d) above, the building sewer shall be connected...
to a private sewage disposal system complying with the provisions of § 18-404 of this ordinance.

(2) **Physical connection public sewer.** (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-406 of this chapter.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this ordinance. All others must be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be four (4) inches.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Four inch (4") building sewers shall be laid on a grade greater than 1/8 inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of:

(A) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(B) Cast iron soil pipe with leaded or compression joints;

(C) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
(E) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A “Y” (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made using the appropriate existing wye or tee branch compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No.
9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(f) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(h) All pertinent OSHA requirements shall be met at all times.

3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(b) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the city. (Ord. #13, Sept. 1987)


(a) Where a public sanitary sewer is not available under the provisions of § 18-403(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-403, the owner shall provide a private sewage pumping station as provided in § 18-403(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice to do so.
(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Gibson County Department of Public Health.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the Gibson County Department of Public Health. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Gibson County Department of Public Health.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Gibson County Department of Public Health. They shall be allowed to inspect the work at any stage of construction, and in any event, the owner shall notify the Gibson County Department of Public Health when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Gibson County Department of Public Health.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee and the Gibson County Department of Public Health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Gibson County Department of Public Health. (Ord. #13, Sept. 1987)

18-405. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this ordinance have been met and providing the superintendent is satisfied the applicant has
adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) **Fees.** For each permit issued under the provisions of this ordinance an annual service charge therefore shall be paid to the city to be set as specified in § 18-411. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) **Designated disposal locations.** The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) **Revocation of permit.** Failure to comply with all the provisions of this ordinance shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank 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 Bradford.

(Ord. #13, Sept. 1987)

**18-406. Application for domestic wastewater discharge and industrial wastewater discharge permits.** (1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-403 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time.
(2) **Industrial wastewater discharge permits.** (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW within one hundred eighty (180) days after the effective date of the ordinance comprising this chapter.

(b) **Applications.** Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of the ordinance comprising this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information; name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations--daily, monthly, seasonal and thirty (30) minute peaks; a description of all toxic materials handled on the premises; site plans; floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this ordinance.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such
additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this subsection, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-407 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this ordinance or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the city. Permit may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on average and maximum rate and time of discharge or requirements and equalization;

(iv) Requirements for installation and maintenance of inspections and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules;
(vii) Requirements for submission of technical reports of discharge reports;
(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
(ix) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial changes in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
(x) Requirements for notification of slug discharged;
(xi) Other conditions as deemed appropriate by the city to ensure compliance with this ordinance.

(d) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (2)(b)(ii) and 2(b)(iii) above, of this section. The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 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 anew or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of this ordinance is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this ordinance or the city’s or user’s NPDES permit. Provide, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (Ord. #13, Sept. 1987)

18-407. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two
successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (½") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW’s effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act,
the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104° F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees (150°) F (0 and 65° C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Public Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Public Health, to a storm sewer or natural outlet.

(p) The discharge of sanitary wastewater into the storm sewer system is prohibited without exception.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A-User Discharge Restrictions) unless an exception is permitted as provided in this ordinance. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this ordinance.
Table A–User Discharge Restrictions

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<th>Pollutant</th>
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</table>

*Based on 24-hour flow proportional composite samples.

(3) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this ordinance. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B–Plant Protection Criteria

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Maximum Concentration mg/l (24-hour flow) Proportional Composit Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper</td>
<td>.026</td>
</tr>
<tr>
<td>Chromium</td>
<td>.068</td>
</tr>
<tr>
<td>Nickel</td>
<td>.065</td>
</tr>
<tr>
<td>Cadmium</td>
<td>.0012</td>
</tr>
</tbody>
</table>
Lead .012
Mercury .0011
Silver .0013
Zinc .064
Cyanide .0048
Toulene .015
Benzene .004
1, 1, 1-Trichloroethane .031
Ethylbenzene .0046
Carbon tetrachloride .015
Chloroform .041
Tetrachloroethylene .026
1, 2 Transdichloroethylene .013
Methylene chloride .0023
Phenol .050
Naphthalene .001
Bis (2-ethyl hexyl) phathalate .000036
Butyl benzyl phthalate
Di-n-butyl phthalate
Diethyl phthalate .003

(4) **Federal categorical pretreatment standards.** Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) **Right to establish more restrictive criteria.** No statement in this ordinance is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Public Health and/or the United States Environmental Protection Agency.

(6) **Special agreements.** Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such
special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-407(1) and (2) of this chapter. Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

(i) Interfere with the normal collection and operation of the wastewater treatment system.

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its inforce federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of
the pollutant for which the variance has been granted in excess of the concentration stipulated in this ordinance based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) Whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in Section VII and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;
(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge;

(8) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this ordinance shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this ordinance.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or designated official), by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance 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. #13, Sept. 1987)
18-408. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. Construction must be completed within one hundred eighty (180) days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be
permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304 (g) of the Act and contained in 40 CFR, part 136 and amendments thereto or with any other test procedures approved by the superintendent.
Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:
   (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
   (b) The dates analyses were performed;
   (c) Who performed the analyses;
   (d) The analytical techniques/methods used; and
   (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, director of the division of water quality control Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for the 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 monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(Ord. #13, Sept. 1987)

18-409. Enforcement and abatement. (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this ordinance, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:
   (a) Comply forthwith;
   (b) Comply in accordance with a time schedule set forth by the superintendent;
(c) Take appropriate remedial or preventive action in the event of a threatened violation; or
(d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this ordinance, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within thirty (30) days of the issuance of the cease and desist order.

(3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(i) Issue in the name of the board of mayor and aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
(ii) Take the evidence;
(iii) Transmit a report of the evidence and hearing.

(c) At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the board of mayor and aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be
discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) **Legal action.** If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county.

(5) **Emergency termination of service.** In the event of an actual or threatened discharge of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(6) **Public nuisance.** Discharges or wastewater in any manner in violation of this ordinance or of any order issued by the superintendent as authorized by this ordinance is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city code or ordinances governing such nuisance.

(7) **Correction of violation and collection of costs.** In order to enforce the provisions of this ordinance, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this ordinance or the owner or tenant of the property upon which the violation occurred, and the city shall have such costs as it has for the collection of sewer service charges.

(8) **Damage to facilities.** When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) **Civil liabilities.** Any person or user who intentionally or negligently violates any provision of this ordinance, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes
pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Bradford shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (Ord. #13, Sept. 1987)

18-410. Penalties; costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one thousand dollars ($1,000.00) and up to ten thousand dollars ($10,000.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment as current law allows, or by both. (Ord. #13, Sept. 1987, modified)

18-411. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

(a) Inspection fee and tapping fee;
(b) Fees for applications for discharge;
(c) Sewer use charges;
(d) Surcharge fees;
(e) Industrial wastewater discharge monitoring; and
(f) Other fees as the city may deem necessary to carry out the requirements of this ordinance.
(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-406 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service and connections to the public sewers. The inspection fee and tapping fee shall be set by the board of mayor and aldermen.

(5) Surcharge fees. If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharger of such parameters in proportion to the amount of discharge.

(6) Industrial wastewater discharge permit fee. 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.

(7) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city, subject to net and gross rates. (Ord. #13, Sept. 1987)

18-412. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (Ord. #13, Sept. 1987)
CHAPTER 5

SEWER USE ENFORCEMENT RESPONSE PLAN

SECTION
18-501. Purpose and policy.
18-502. Responsibilities of control authority personnel.
18-503. Determining time frames for enforcement actions and follow-up.
18-504. Applying the enforcement response guide.
18-505. Using the enforcement guide.
18-506. Description of terms.
18-508. Fines.

18-501. Purpose and policy. (1) This sewer use enforcement plan is provided to anticipate the types of noncompliance which may be encountered. The response plan sets forth:
   (a) Identifying common discharge violations;
   (b) Identifying nondischarge violations;
   (c) Identifying enforcement responses.

(2) The response plan allows the POTW to select from several alternative initial and follow-up actions. The POTW may initially rely on informed actions where violations are nonsignificant or where the industrial user is cooperative in resolving the problem. However, when the violation is significant or when the industrial user does not promptly undertake corrective action, the POTW will and must respond with severe enforcement responses including judicial proceedings. When a user fails to return to compliance from initial enforcement response, enforcement will be escalated in a more stringent action.

(3) The enforcement response taken will depend upon:
   (a) Magnitude of the violation;
   (b) Duration of the violation;
   (c) Effect of the violation on the receiving water;
   (d) Effect on the violation on the POTW;
   (e) Compliance history of the industrial user;
   (f) Good faith of the industrial user. (Ord. #____, Sept. 1990)

18-502. Responsibilities of control authority personnel.
(1) Inspectors/field personnel. The pretreatment coordinator and the POTW superintendent conduct sampling and inspections personally. The pretreatment coordinator or the superintendent will immediately respond to noncompliance with informed warnings.
(2) Pretreatment coordinator. The pretreatment coordinator shall review all data pertaining to the pretreatment program and implement pretreatment program requirements. He shall provide industrial users with guidance and assistance. The pretreatment coordinator is responsible for issuing notice of violations, administrative orders assessing fines and publishing the annual list of significant violations.

(3) POTW superintendent. The wastewater treatment plant superintendent is responsible for compliance with the terms and conditions of the POTW's NPDES permit and for the overall operation and maintenance of the POTW, including employee safety, protection of the collection system and the treatment plant and efficient quality. Given these responsibilities, the superintendent shall have the authority to issue administrative orders, terminate service, conduct show cause hearings and initiate judicial proceedings.

(4) City attorney. The city attorney advises technical and managerial personnel on enforcement matters and orchestrates the judicial responses deemed necessary by the superintendent. Consequently, the attorney should be consulted on all matters requiring the interpretation of the sewer use ordinance and the enforcement response plan. The city attorney will assist in the preparation of notice of violations and administrative orders which may be easily issued by the technical staff. The city attorney will be forwarded a copy of all administrative orders and fine assessments since further responses against the user may involve judicial action. (Ord. #____, Sept. 1990)

18-503. Determining time frames for enforcement actions and follow-up.

(1) In order for an enforcement action to be effective, it must be timely. For an action to be timely, the violation must be detected and responded to promptly after its occurrence. Therefore, review of compliance reports (for both effluent violations and timeliness) should be a high priority at the time of their submission. POTW staff will review industrial user reports within five (5) days of receipt. Violations observed by control authority field personnel should receive even swifter attention.

(2) No more than thirty (30) days will be allowed to elapse between the detection of the violation(s) and the initiation of an enforcement response. If the appropriate response is an informal warning or a NOV, the response time should be much shorter.

(3) After its initial enforcement response, the control authority should closely track the industrial user's progress toward compliance. (Ord. #____, Sept. 1990)

18-504. Applying the enforcement response guide. (1) A comprehensive enforcement response guide designates several alternative enforcement options for each type (or pattern) of noncompliance. Control
authority personnel who detect noncompliance need only select an appropriate response from the short list of enforcement options indicated by the matrix.

(2) There are a number of factors to consider when selecting a response from among these options. Several of these factors are identical to those used in establishing the guide:

(a) Good faith of the user;
(b) Compliance of the user;
(c) Previous success of enforcement actions taken against the particular user;
(d) Violations--effect on the receiving waters;
(e) Violations--effect on the POTW.

(3) Since the remedies designated in the matrix are all considered appropriate, the control authority must weigh each of the above factors in deciding whether to use a more or less stringent response.

(4) All formal enforcement responses must be expressly authorized by local and state laws. (Ord. #____, Sept. 1990)

18-505. Using the enforcement guide. (1) The enforcement response guide is used as follows:

(a) Locate the type of noncompliance in the first column and identify the most accurate description of the violation.
(b) Assess the appropriateness of the recommended response(s) in column two. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.
(c) Apply the enforcement response to the industrial user. Specify corrective action or other responses required of the industrial user, if any. Column three indicates personnel to take each response and the time frame in which that response should be taken.
(d) Follow-up with escalated enforcement action if the industrial user's response is not received or violation continues.

(2) The control authority will maintain all supporting documentation regarding the violation and its enforcement actions in the industrial user's file. (Ord. #____, Sept. 1990)

18-506. Description of terms. Terms and abbreviations used in the guide are defined below.

(1) AO. Administrative order.
(2) Civil legislation. Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages.
(3) Criminal prosecution. Pursuing punitive measures against an individual and/or organization through a court of law.
(4) Fine. Monetary penalty assessed by control authority officials.
(5) I. Inspector.
(6) IU. Industrial user.

(7) Meeting. Informal compliance meeting with the IU to resolve recurring noncompliance. (Ord. # ___ , Sept. 1990)

18-507. **Enforcement response guide.**

<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>ENFORCEMENT RESPONSES</th>
<th>PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>UNAUTHORIZED DISCHARGES (NO PERMIT)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Unpermitted discharge</td>
<td>IU unaware of requirement; no harm to POTW/environment</td>
<td>Phone call; NOV with application form</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>IU unaware of requirement; harm to POTW</td>
<td>--AO with fine</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Failure to apply continues after notice by the POTW</td>
<td>--Civil action</td>
<td>S</td>
</tr>
<tr>
<td>2. Nonpermitted discharge</td>
<td>IU has not submitted application within 10 days of due date</td>
<td>Phone call; NOV</td>
<td>PC</td>
</tr>
</tbody>
</table>

| DISCHARGE LIMIT VIOLATION | | | |
| 1. Exceedance of local or Federal Standard (permit limit) | Isolated, not significant | Phone call, NOV | I, PC |
| | Isolated, significant (no harm) | AO to develop spill prevention plan and fine | PC |
| | Isolated, harm to the POTW or environment | --Show cause order | PC, S |
| | Recurring, no harm to POTW/ environment | AO with fine | PC |
| | Recurring, significant (harm) | --AO with fine | PC |
| | | --Show cause order | PC, S |
| | | --Civil action | S |
| | | --Terminate service | S |

| MONITORING AND REPORTING VIOLATIONS | | | |
| 1. Reporting violation | Report is improperly signed or certified | Phone call or NOV | PC |
| | Report is improperly signed or certified after notice by POTW | --AO | PC |
| | | --Show cause order | PC, S |

---

1 NOV -- Notice of violation
PC -- Pretreatment coordinator
S -- Superintendent
SV -- Significant violation
Show cause -- Formal meeting requiring the IU to appear and demonstrate why control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>RESPONSES</th>
<th>PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Isolated, not significant (e.g., 5 days late)</td>
<td>Phone call; NOV</td>
<td>I, PC</td>
</tr>
<tr>
<td></td>
<td>Significant (e.g., report 30 days or more late)</td>
<td>AO to submit with fine per additional day</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Reports are always late or no reports at all</td>
<td>--AO with fine</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Failure to report spill or changed discharge (no harm)</td>
<td>NOV</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Failure to report spill or changed discharge (results in harm)</td>
<td>--AO with fine</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Repeated failure to report spills</td>
<td>--Show cause order</td>
<td>PC, S</td>
</tr>
<tr>
<td></td>
<td>Falsification</td>
<td>--Civil action</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Falsification</td>
<td>--Criminal investigation</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Falsification</td>
<td>--Terminate service</td>
<td>S</td>
</tr>
<tr>
<td>2. Failure to monitor correctly</td>
<td>Failure to monitor all pollutants as required by permit</td>
<td>NOV or AO</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Recurring failure to monitor</td>
<td>--AO with fine</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Evidence of intent</td>
<td>--Civil action</td>
<td>S</td>
</tr>
<tr>
<td>3. Improper sampling</td>
<td>Evidence of intent</td>
<td>--Criminal investigation</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Evidence of intent</td>
<td>--Terminate service</td>
<td>S</td>
</tr>
<tr>
<td>4. Failure to install monitoring equipment</td>
<td>Delay of less than 30 days</td>
<td>NOV</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Delay of 30 days or more</td>
<td>AO to install with fine for each additional day</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Recurring, violation of AO</td>
<td>--Civil action</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Recurring, violation of AO</td>
<td>--Criminal investigation</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Recurring, violation of schedule in AO</td>
<td>--Terminate service</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Recurring, violation of schedule in AO</td>
<td>--Criminal investigation</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Recurring, violation of schedule in AO</td>
<td>--Terminate service</td>
<td>S</td>
</tr>
<tr>
<td>5. Compliance schedules (in permit)</td>
<td>Missed milestone by less than 30 days, or will not affect final milestone</td>
<td>NOV or AO with fine</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)</td>
<td>AO with fine</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td>Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)</td>
<td>--Show cause order</td>
<td>PC, S</td>
</tr>
<tr>
<td></td>
<td>Recurring violation or violation of schedule in AO</td>
<td>--Civil action</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Recurring violation or violation of schedule in AO</td>
<td>--Criminal investigation</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Recurring violation or violation of schedule in AO</td>
<td>--Terminate service</td>
<td>S</td>
</tr>
</tbody>
</table>

**OTHER PERMIT VIOLATIONS**

<p>| 1. Wastestreams are diluted in lieu of treatment | Initial violation | AO with fine | PC |
| Recurring | --Show cause order | PC, S |
| Recurring | --Terminate service | S |</p>
<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>ENFORCEMENT RESPONSES</th>
<th>PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Failure to mitigate noncompliance or halt production</td>
<td>Does not result in harm</td>
<td>NOV</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Does result in harm</td>
<td>--AO with fine</td>
<td>PC</td>
</tr>
<tr>
<td></td>
<td></td>
<td>--Civil action</td>
<td>S</td>
</tr>
<tr>
<td>3. Failure to properly operate and maintain pretreatment facility</td>
<td>See No. 2 above</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VIOLATIONS DETECTED DURING SITE VISITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Entry denial</td>
</tr>
<tr>
<td>2. Illegal discharge</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td>3. Improper Sampling</td>
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<td></td>
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<tr>
<td>4. Inadequate recordkeeping</td>
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<tr>
<td></td>
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<tr>
<td>5. Failure to report additional monitoring</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TIMEFRAMES FOR RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. All violations will be identified and documented within five days of receiving compliance information.</td>
</tr>
<tr>
<td>B. Initial enforcement responses [involving contract with the industrial user and requesting information on corrective or preventative action(s)] will occur within 15 days of violation detection.</td>
</tr>
<tr>
<td>C. Follow-up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable within 30 days of the identification of significant noncompliance.</td>
</tr>
</tbody>
</table>
18-508. **Fines.** In determining the appropriate fine for a violation, § 18-410, Sewer Use Ordinance, shall be utilized. (Ord. #___, Sept. 1990)

18-509. **Evaluating effectiveness.** The enforcement response guide will be periodically reviewed to reassess its effectiveness in accomplishing pretreatment goals:

(1) To ensure that violators return to compliance as quickly as possible;
(2) To penalize non-compliant users for pretreatment violations;
(3) To deter future noncompliance;
(4) To recover any additional expenses incurred by the control authority attributable to the non-compliance.

When aspects of the guide which require improvement or new innovations are adopted to increase effectiveness, amendments shall be promptly incorporated. The control authority reserves the right to revise its ordinance to increase its administrative fine penalty authority. When fines are revised, the guide shall be revised accordingly. (Ord. #___, Sept. 1990)
CHAPTER 6

WASTEWATER TREATMENT FACILITIES\(^1\)

SECTION
18-601. Introduction.
18-602. Annual review and notification.
18-603. Charges for operation and maintenance.
18-604. User charge system.
18-605. Adoption of system.
18-606. Surcharge fees.
18-607. Retirement of bonds.

18-601. Introduction. The City of Bradford has received an EPA grant administered by the Tennessee Department of Health and Environment for the purpose of upgrading the city's wastewater treatment system. Section 35.2140 of EPA's 40 CFR part 35 requires a user charge system for recipients of EPA grants. The user charge system shall provide that each user which discharges pollutants that cause an increase in the cost of managing the effluent from the wastewater treatment facility shall pay for such increased cost. The user charge system must be designed to produce adequate revenues to provide for the following expenditures:

1. Operation and maintenance expenses;
2. Debt retirement;
3. Replacement of the wastewater treatment works over its useful life;
(Ord. #____, Sept. 1987)

18-602. Annual review and notification. The city will review annually the wastewater contribution of users, user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The city will revise the charges for users or user classes to accomplish the following:

1. Maintain the proportionate distribution of operation and maintenance costs among users and user classes;
2. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation, maintenance, and replacement of the treatment works; and

\(^1\)Sewer rates, projected wastewater expenses, and derivation of replacement cost for sewage treatment facilities tables are of record in the office of the city recorder.
(3) Apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

Each user will be notified annually in conjunction with a regular bill of the rate and that portion of the user charge that is attributable to wastewater treatment services. (Ord. #___, Sept. 1987)

18-603. Charges for operation and maintenance. The cost of operation and maintenance for all flow not directly attributable to a user or users shall be distributed among all users based on the flow volume of the user. Flow volume shall be determined by water meter records unless the user elects to install at its own cost a sewer flow meter. The flow meter shall meet the city's approval prior to installation of the meter. Maintaining the meter shall be the sole responsibility of the user. (Ord. #___, Sept. 1987)

18-604. User charge system. (1) Classification of users. Users of the city's wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads, each class user being identified as follows:

(a) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter (250 mg/l) concentration by weight and whose suspended solids exceeds two hundred fifty milligrams per liter (250 mg/l) concentration.

(2) Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs, operation and maintenance costs of the wastewater collection and treatment system, and debt service costs.

(a) All users who fall under Class I pay a minimum bill plus a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased ($/1000 gallons) with the unit charge being determined in accordance with the following formula:

Monthly bill = \[ \frac{A- (BxC)}{D-( (B-E) x F)} + C \]

Where:
A= Monthly revenue required
B= Total no. of users
C= Monthly minimum bill
D = Total gallons used by all users excluding minimum users
E = No. of minimum users
F = Maximum no. of gallons in minimum range

Therefore:
According to Table I, A = $37,442/12 but add some for surplus
A = $37,869/12 = $3,156
B = 475
C = $5.55
D = 1,842,000 gallons
E = 194
F = 3000 gallons (0-3000 minimum range)

or

\[
3156-(475 \times 5.55) \quad \times \quad 5.55 \\
\frac{1,842,000 - (475-194) \times 3000}{1,842,000}
\]

or

$0.52\text{ per 1000 gallons} + 5.55$

(b) All users who fall within the Class II classification shall all pay the same bill as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(c) The volume of water purchased which is used in the calculation of sewer user charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e. filing swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(d) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the POTW is in excess of those described in § 18-604(1)(a), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

\[
Cu = VcVc + BcBc + ScSu
\]

Where:
Cu = Total user charge per unit of time
Vc = Total cost for transportation and treatment of a unit of wastewater volume
Vu = Volume contribution per unit of time
Bc = Total cost for treatment of a unit of biochemical oxygen demand (BOD)
Bu = Total BOD contribution for a user per unit of time
Sc = Total cost of treatment of a unit of suspended solids
Su = Total suspended solids contribution from a user per unit of time

At the present, Bradford does not have any Class II users. The above formula should be difficult to apply to a lagoon system. When and if a Class II user locates in Bradford, the formula will be developed. (Ord. #___, Sept. 1987)

18-605. Adoption of system. The legal authority for this user charge system is given by § 18-411 of Bradford's Sewer Use Ordinance. (Ord. #___, Sept. 1987)

18-606. Surcharge fees. If it is determined by the city that the discharge or other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge. (Ord. #___, Sept. 1987)

18-607. Retirement of bonds. This user charge system includes charges levied to customers to retire bonds. These charges are being imposed by the city. The Clean Water Act does not require the city to retire bonds through the user charge system.
CHAPTER 7
CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION
18-701. Objectives.
18-702. Definitions.
18-703. Compliance.
18-704. Regulated.
18-705. Permit required.
18-706. Inspections.
18-707. Right of entry for inspections.
18-708. Correction of violations.
18-709. Required devices.
18-710. Non-potable supplies.
18-711. Statement required.
18-712. Penalty; discontinuance of water supply.
18-713. Provision applicable.

18-701. Objectives. The objectives of this chapter are to:
(1) To protect the public potable water system of Bradford Water System from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into the public water system;
(2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;
(3) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. #030705, July 2005)

18-702. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:
(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two (2) inches. Where a discharge

¹Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.
line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two (2) inches.

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross connection" shall mean any physical connection or potential connection 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 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 or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.
"Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14--Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within 1700 ft. of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

"Interconnection" shall mean any system of piping or other arrangements 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.

"Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

"Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

"Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve
located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Bradford Water System water system, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Manager" shall mean the Manager of the Bradford Water System or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use.

(Ord. #030705, July 2005)

18-703. **Compliance.** The Bradford Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminates through the water service connection. The Bradford Water System shall comply with Tennessee Code Annotated, § 68-221-711, as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (Ord. #030705, July 2005)

18-704. **Regulated.** (1) No water service connection to any premises shall be installed or maintained by the Bradford Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Bradford Water System if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.
(2) 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 Environment and Conservation, and the operation of such cross connection is at all times under the direction of the manager of the Bradford Water System.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Bradford Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (Ord. #030705, July 2005)

18-705. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Bradford Water System for approval.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Bradford Water System. (Ord. #030705, July 2005)

18-706. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved, and shall be established by the Bradford Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (Ord. #030705, July 2005)
18-707. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Bradford Water System public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (Ord. #030705, July 2005)

18-708. Correction of violations. (1) Any person found to have 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 the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Bradford Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) 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 the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (Ord. #030705, July 2005)
18-709. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:
   (a) Impractical to provide an effective air-gap separation;
   (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Bradford Water System that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water.
   (c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;
   (d) There is likelihood that protective measures may be subverted, altered or disconnected;
   (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
   (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems) approved by the Tennessee Department of Environment and Conservation and the Bradford Water System, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Bradford Water System prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Bradford Water System as needing protection.
   (a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly; except:
      (i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or
      (ii) A reduced pressure backflow prevention device shall be required where:
           (A) Underground fire sprinkler lines are parallel to and within ten (10) feet horizontally of pipes carrying sewage or significantly toxic materials;
           (B) Premises have unusually complex piping systems;
(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(4) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) **Installation criteria.** The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by the Bradford Water System who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer’s instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the Bradford Water System, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve (12) inches plus the nominal diameter of the device above either:

   (i) The floor;
   (ii) The top of opening(s) in the enclosure; or
   (iii) Maximum flood level, whichever is higher.

   Maximum height above the floor surface shall not exceed sixty (60) inches.

(g) Clearance from wall surfaces or other obstructions shall be at least six (6) inches. Devices located in non-removable enclosures shall
have at least twenty-four (24) inches of clearance on each side of the
device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one (1) inch.

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two (2) inches, the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Bradford Water System. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two (2) inches, the enclosure shall be completely removable. Access for backflow prevention devices two and one half (2'½) inches and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four (4) inches thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.
(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of +40°F with an outside temperature of -30°F and a wind velocity of 15 miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one device has been installed and the continuance of service is critical, the Bradford Water System shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Bradford Water System may require the installation of a duplicate device.

(p) The Bradford Water System shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Bradford Water System. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be 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 Bradford Water System.

(6) Testing of devices. Devices shall be tested at least annually by the Bradford Water System by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Bradford Water System and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises.

There will be no charge for annual testing. (Ord. #030705, July 2005)

18-710. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING
The minimum acceptable sign shall have black letters at least one (1) inch high located on a red background. Color-coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the Bradford Water System, such coding is necessary to identify and protect the potable water supply. (Ord. #030705, July 2005)

18-711. **Statement required.** Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Bradford Water System a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (Ord. #030705, July 2005)

18-712. **Penalty; discontinuance of water supply.** (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (Ord. #030705, July 2005)

18-713. **Provision applicable.** The requirements contained in this chapter shall apply to all premises served by the Bradford Water System and are hereby made part of the conditions required to be met for the Bradford Water System to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of this chapter is entitled to a due process hearing upon timely request. (Ord. #030705, July 2005)
TITLE 19

ELECTRICITY AND GAS

CHAPTER 1

ELECTRICITY

SECTION 19-101. To be furnished under franchise.

19-101. **To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹ (1977 Code, § 13-301)

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¹The agreements are of record in the office of the recorder.
CHAPTER 2

GAS

SECTION
19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹ (1977 Code, § 13-401)

¹The agreements are of record in the office of the recorder.
TITLE 20

MISCELLANEOUS

CHAPTER 1
1. FAIR HOUSING.

CHAPTER 1

FAIR HOUSING

SECTION
20-101. Policy.  It is the policy of the City of Bradford to provide, within constitutional limitations, for fair housing throughout the city. (Ord. #____, April 1987)

20-102. Definitions.  (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-104, 20-105, or 20-106. (Ord. #____, April 1987)
20-103. **Unlawful practice.** Subject to the provisions of subsection 20-103(2) and § 20-107, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-104 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-104 shall apply to:

   (a) Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than three such single-family houses at any one time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented:

      (i) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or persons; and

      (ii) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-104(3) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

   (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his or her residence.

(3) For the purposes of subsection (2), persons shall be deemed to be in the business of selling or renting dwellings if:

   (a) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or

   (b) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services
in two (2) or more transactions involving the sale or rental of any
dwelling or any interest therein; or

(c) He is the owner of any dwelling designed or intended for
occupancy by, or occupied by, five (5) or more families. (Ord. #____, April 1987)

20-104. Discrimination in the sale or rental of housing. As made
applicable by § 20-103 and except as exempted by §§ 20-103(2) and 20-107, it
shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to
refuse to negotiate for the sale or rental of, or otherwise make unavailable or
deny, a dwelling to any person because of race, color, religion, or national origin.

(2) To discriminate against any person in the terms, conditions, or
privileges of sale or rental of a dwelling, or in the provision of services or
facilities in connection therewith, because of race, color, religion, or national
origin.

(3) To make, print, or publish, or cause to be made, printed, or
published any notice, statement, or advertisement, with respect to the sale or
rental of a dwelling that indicates any preference, limitation, or discrimination
based on race, color, religion, or national origin, or an intention to make any
such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion or
national origin, that any dwelling is not available for inspection, sale, or rental
when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent
any dwelling by representations regarding the entry or prospective entry into
the neighborhood of a person or persons of a particular race, color, religion, or
national origin. (Ord. #____, April 1987)

20-105. Discrimination in the financing of housing. It shall be
unlawful for any bank, building and loan association, insurance company or
other corporation, association, firm or enterprise whose business consists in
whole or in part in the making of commercial real estate loans, to deny a loan
or other financial assistance to a person applying therefore for the purpose of
purchasing, constructing, improving, repairing, or maintaining a dwelling, or to
discriminate against him in the fixing of the amount, interest rate, duration, or
other terms or conditions of such loan or other financial assistance, because of
the race, color, religion, or national origin, of such person or of any person
associated with him in connection with such loan or other financial assistance
or the purposes of such loan or other financial assistance, or of the present or
prospective owners, lessees, tenants, or occupants of the dwelling or dwellings
in relation to which such loan or other financial assistance is to be made or
given: Provided, that nothing contained in this section shall impair the scope
or effectiveness of the exception contained in § 20-103(2). (Ord. #____, April 1987)

20-106. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (Ord. #____, April 1987)

20-107. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. #____, April 1987)

20-108. Administration. (1) The authority and responsibility for administering this act shall be in the Mayor or County Executive of the City of Bradford.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the mayor or county executive to further such purposes. (Ord. #____, April 1987)

20-109. Education and conciliation. Immediately after the enactment of this chapter, the mayor or county executive shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties
to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement. (Ord. #____, April 1987)

20-110. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believe that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor or county executive. Complaints shall be in writing and shall contain such information and be in such form as the mayor or county executive requires. Upon receipt of such a complaint, the mayor or county executive shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3), the mayor or county executive shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor or county executive decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor or county executive who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than one (1) year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor or county executive, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty (30) days after a complaint is filed with the mayor or county executive, the mayor or county executive has been unable to obtain voluntary compliance with this section, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor or county executive will assist in this filing.

(4) If the mayor or county executive has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any
appropriate court, against the respondent named in the complaint, to enforce the
rights granted or protected by this chapter, insofar as such rights relate to the
subject of the complaint. If the court finds that a discriminatory housing
practice has occurred or is about to occur, the court may enjoin the respondent
from engaging in such practice or order such affirmative action as may be
appropriate.

(5) In any proceeding brought pursuant to this section, the burden of
proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the
mayor or county executive shall immediately terminate all efforts to obtain
voluntary compliance. (Ord. #____, April 1987)

20-111. Investigations; subpoenas; giving of evidence. (1) In
conducting an investigation, the mayor or county executive shall have access at
all reasonable times to premises, records, documents, individuals, and other
evidence or possible sources of evidence and may examine, record, and copy such
materials and take and record the testimony or statements of such persons as
are reasonably necessary for the furtherance of the investigation: Provided,
however, that the mayor or county executive first complies with the provisions
of the Fourth Amendment relating to unreasonable searches and seizures. The
mayor or county executive may issue subpoenas to compel his access to or the
production of such materials, or the appearance of such persons, and may issue
interrogatories to a respondent, to the same extent and subject to the same
limitations as would apply if the subpoenas or interrogatories were issued or
served in aid of a civil action in the United States district court of the district in
which the investigation is taking place. The mayor or county executive may
administer oaths.

(2) Upon written application to the mayor or county executive, a
respondent shall be entitled to the issuance of a reasonable number of
subpoenas by and in the name of the mayor or county executive to the same
extent and subject to the same limitations as subpoenas issued by the mayor or
county executive himself. Subpoenas issued at the request of a respondent shall
show on their face the name and address of such respondent and shall state that
they were issued at his request.

(3) Witnesses summoned by subpoena of the mayor or county executive
shall be entitled to the same witness and mileage fees as are witnesses in
proceedings in United States district courts. Fees payable to the witness
summoned by a subpoena issued at the request of a respondent shall be paid by
him.

(4) Within five (5) days after service of a subpoena upon any person,
such person may petition the mayor or county executive to revoke or modify the
subpoena. The mayor or county executive shall grant the petition if he finds
that the subpoena requires appearance or attendance at an unreasonable time
or place, that it requires production of evidence which does not relate to any
matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor or county executive or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor or county executive shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the mayor or county executive, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the mayor or county executive pursuant to his or her subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than one (1) year, or both.

(7) The city attorney shall conduct all litigation in which the mayor or county executive participates as a party or as amicus pursuant to this chapter.

(Ord. #____, April 1987)

20-112. Enforcement by private persons. (1) The rights granted by §§ 20-103, 20-104, 20-105, and 20-106 may be enforced by civil actions in state or local courts or general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or § 20-110(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any persons because he is or has been, or in order to intimidate such person or any other person or any class or persons from:

(a) Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or

(b) Affording another person or class of persons opportunity or protection so to participate, or

(3) Any citizens because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a), or participating lawfully in speech or peaceful
assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars ($1,000), or imprisoned not more than one (1) year, or both; and, if bodily injury results, shall be fined not more than ten thousand dollars ($10,000), or imprisoned not more than ten (10) years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (Ord. #____, April 1987)
APPENDIX 1

OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR
EMPLOYEES OF THE CITY OF ________________

I. Purpose and coverage.
II. Definitions.
III. Employer's rights and duties.
IV. Employee's rights and duties.
V. Administration.
VI. Standards authorized.
VII. Variance procedure.
VIII. Recordkeeping and reporting.
IX. Employee complaint procedure.
X. Education and training.
XI. General inspection procedures.
XII. Imminent danger procedures.
XIII. Abatement orders and hearings.
XIV. Penalties.
XV. Confidentiality of privileged information.
XVI. Compliance with other laws not excused.

APPENDICES
I. Organizational chart
II. Safety and health organizational chart
III. Employee notification
IV. Program budget
V. Accident reporting procedures

I. Purpose and coverage. The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of ____________.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of ____________ in electing to update and maintain an effective occupational safety and health program for its employees:

a. Provide a safe and healthful place and condition of employment.

b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.

c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the
Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.

e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the state.

f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.

g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.

h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. Definitions. For the purposes of this program, the following definitions apply:

a. "Act" or "TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.

b. "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.

c. "Chief executive officer" means the chief administrative official, county judge, county chairman, mayor, city manager, general manager, etc., as may be applicable.

d. "Commissioner of Labor and Workforce Development" means the chief executive officer of the Tennessee Department of Labor and
Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.

e. "Director of occupational safety and health" or "director" means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program for the employees of the City of ____________.

f. "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

g. "Employer" means the City of ____________ and includes each administrative department, board, commission, division, or other agency of the City of ____________.

h. "Establishment" or "worksite" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

i. "Governing body" means the County Quarterly Court, board of commissioners, city council, board of governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.

j. "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

k. "Inspector(s)" means the individual(s) appointed or designated by the director of occupational safety and health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the director of occupational safety and health.

l. "Person" means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.

m. "Serious injury" or "harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:
   1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially
reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or

2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

n. "Standard" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

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

a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under section 6 of the Tennessee Occupational Safety and Health Act of 1972.

e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
f. Employer is entitled to protection of its legally privileged communication.

g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.

h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.

i. Employer shall notify all employees of their rights and duties under this program.

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

a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.

c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the director or inspector at the time of the physical inspection of the worksite.
g. Any employee may bring to the attention of the director any violation or suspected violations of the standards or any other health or safety hazards.

h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.

i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.

k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the director within twenty-four (24) hours after the occurrence.

V. Administration. a. The director of occupational safety and health is designated to perform duties or to exercise powers assigned so as to administer this occupational safety and health program.

1. The director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.

2. The director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the director.

3. The director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.

4. The director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
5. The director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of section 1 of this plan.

6. The director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

7. The director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.

8. The director shall maintain or cause to be maintained records required under section VIII of this plan.

9. The director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.

b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.

1. The administrative or operational head shall follow the directions of the director on all issues involving occupational safety and health of employees as set forth in this plan.

2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the director within the abatement period.

3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.

4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the director along with his findings and/or recommendations in accordance with Appendix V of this plan.

VI. Standards authorized. The standards adopted under this program are the applicable standards developed and promulgated under section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the
future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. Variance procedure. The director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

a. The application for a variance shall be prepared in writing and shall contain:
   1. A specification of the standard or portion thereof from which the variance is sought.
   2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
   3. A statement of the steps the employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
   4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
   5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development.

b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.

c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
   1. The employer:
i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

iii. Has an effective program for coming into compliance with the standard as quickly as possible.

2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.

d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

e. Upon receipt of an application for an order granting a variance, the commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. Recordkeeping and reporting

a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, Recordkeeping Requirements Under the Occupational Safety and Health Act of 1970, (revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.

b. The position responsible for recordkeeping is shown on the Safety and Health Organizational Chart, Appendix II to this plan.

c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by Accident Reporting Procedures, Appendix V to this plan.

IX. Employee complaint procedure

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the director of occupational safety and health.

a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should
sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of section 1 of this plan).

b. Upon receipt of the complaint letter, the director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the chief executive officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

d. The chief executive officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the director and the chief executive officer or the representative of the governing body.

f. Copies of all complaint and answers thereto will be filed by the director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. Education and training.  
   a. Director and/or compliance inspector(s).
      1. Arrangements will be made for the director and/or compliance inspector(s) to attend training seminars,
workshops, etc., conducted by the State of Tennessee or other agencies.

2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All employees (including managers and supervisory personnel).

A suitable safety and health training program for employees will be established. This program will, at a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury (such as falls, electrocution, crushing injuries [e.g., trench cave-ins], and being struck by material or equipment).

2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.

3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in subparts H and M and other applicable subparts of TOSHAck Standards (1910 and/or 1926).

5. Instruct employees on hazards and dangers of confined or enclosed spaces.

i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels,
pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.

ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. General inspection procedures. It is the intention of the governing body and the responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desire results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

a. In order to carry out the purposes of this program, the director and/or compliance inspector(s), if appointed, is authorized:

1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;

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

b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the director or inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with section XII of this plan before
inspecting the remaining portions of the establishment, facility, or worksite.

c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the director or inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

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

e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigate techniques.

g. Advance notice of inspections.

1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.

2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees of their authorized representative(s) will also be given notice of the inspection.

h. The director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors of other personnel provided:

1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the director.

2. Records are made of the inspections and of any discrepancies found and are forwarded to the director.

i. The director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. Imminent danger procedures.

a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
1. The director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

2. If the alleged imminent danger situation is determined to have merit by the director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the director or compliance inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.

4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the director or compliance inspector and to the mutual satisfaction of all parties involved.

5. The imminent danger shall be deemed abated if:
   i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
   ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the director describing in detail the imminent danger and its abatement. This report will be maintained by the director in accordance with subsection (i) of section XI of this plan.

b. Refusal to abate.
1. Any refusal to abate an imminent danger situation shall be reported to the director and/or chief executive officer immediately.

2. The director and/or chief executive officer shall take whatever action may be necessary to achieve abatement.

XIII. Abatement orders and hearings.

a. Whenever, as a result of an inspection or investigation, the director or compliance inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to
this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the director shall:
1. Issue an abatement order to the head of the worksite.
2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

b. Abatement orders shall contain the following information:
1. The standard, rule, or regulation which was found to be violated.
2. A description of the nature and location of the violation.
3. A description of what is required to abate or correct the violation.
4. A reasonable period of time during which the violation must be abated or corrected.

c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. Penalties.

a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
1. Oral reprimand.
2. Written reprimand.
3. Suspension for three (3) or more working days.
4. Termination of employment.

XV. Confidentiality of privileged information. All information obtained by or reported to the director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise
privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. **Compliance with other laws not excused.**

   a. Compliance with any other law, statute, ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.

   b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.

______________________________
Signature: Director, Occupational Safety and Health     Date
ORGANIZATIONAL CHART

APPENDIX I

[For this section make a list of each work location wherein city employees work, such as City Hall, Water Plant, Police Department, City Garage, etc.), the address for the workplace, phone number at that workplace, and number of employees who work there.]

Example:

City Garage - 12 employees
1234 Main Street
____________, TN 37415
423-555-1234

Police Department - 25 employees
4567 Garden Avenue
____________, TN 37415
423-555-5678

TOTAL NUMBER OF EMPLOYEES: 37
[Once each work location has been listed, record the total number of employees that the city employs.]
SAFETY AND HEALTH ORGANIZATIONAL CHART
CITY OF ____________
APPENDIX II

Police Department - 20 employees
208 Monroe Street
____________, TN 37874
(423) 555-7890

Fire Department - 12 employees

Fire Hall #1
208 Monroe Street
____________, TN 37874
(423) 555-2345

Fire Hall #2
305 E. Walnut St.
____________, TN 37874
(423) 337-6789

City Garage - 12 employees
321 S. High Street
____________, TN 37874
(423) 555-0123

Recreation Work Center - 5 employees
134 Starrett Street
____________, TN 37874
(423) 555-4507

City Hall - 5 employees
203 Monroe Street
____________, TN 37874
(423) 555-8901

Total Number of Employees: 54
OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX III

NOTICE TO ALL EMPLOYEES OF THE CITY OF _____________

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as state standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

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

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

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

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director or ________________ .

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.
No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before __________________ for assistance in obtaining relief or to file a complaint with the commissioner of labor and workforce development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the employees of the City of ____________ is available for inspection by any employee at __________________________ office during regular office hours.

__________________________
Signature: Official Date
1. Prorated portion of wages, salaries, etc., for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel).
8. Safety and health instruments.
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the program.
11. Contingencies and miscellaneous.

TOTAL ESTIMATED PROGRAM FUNDING:

Estimate of Total Budget for:
Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the commissioner of labor and workforce development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Complete the Survey of Occupational Injuries/Illness and mail it to Labor Research and Statistics, when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the chief executive officer but excluding the governing body (county court, city council, board of directors, etc.).

(1-15) Employees shall report all accidents, injuries, or illnesses directly to the director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
(16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

(51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the director or compliance inspector, if necessary) and will complete a written report on the accident or illness and forward it to the director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

(251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a
brief description of how the accident occurred. The supervisor or the administrative head is to be notified of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers Compensation Form C20 or OSHA No. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address, and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under PROGRAM PLAN in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation.