THE

UNION CITY

MUNICIPAL

CODE

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

November 2004

CITY OF UNION CITY, TENNESSEE

MAYOR

Terry Hailey

MAYOR PRO TEM

Billy J. Cranford

COUNCIL MEMBERS

Jim Douglas
Dianne Eskew
Bill Harrison
Danny Leggett
Frank Tucker

CITY CLERK

Carolyn Moran

CITY MANAGER

Kathy Dillon

PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 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 Lisa Murray, the Program Resource Specialist is gratefully acknowledged.

Steve Lobertini
Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

6-32-201. Form of ordinances. Any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this charter, shall be done only by ordinance. Each ordinance shall relate to a single subject which shall be expressed in a title, and upon passage shall be further identified by a number and, if desirable, a short title. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of (here inserting name)." Other actions may be accomplished by resolutions or motions. Each motion, resolution and ordinance shall be in written form before being introduced. [Acts 1957, ch. 238, § 5.01; T.C.A., § 6-3211.]

6-32-202. Passage, amendment and repeal of ordinances. (a) Each ordinance, before being adopted, shall be read at two (2) meetings not less than one (1) week apart, and shall take effect ten (10) days after its adoption, except that, where an emergency exists and the public safety and welfare requires it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by a majority of the members of the council on two (2) readings on successive days. As used in this section, the term "read" means the reading of the caption of the ordinance.

(b) At least the title and a brief summary of each ordinance, except an emergency ordinance, shall be published in the official city newspaper at least one (1) week before final passage, either separately or as part of the published proceedings of the council.

(c) Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection, or subsections in their amended form.

(d) An ordinance may be repealed by reference to its number and title only and publication of the ordinance may be similarly limited. [Acts 1957, ch. 238, § 5.02; T.C.A., § 6-3212, as amended by Acts 1993, ch. 353, § 2.]

6-32-203. Ordinances granting permits to use, franchise, and special privileges. Every proposed ordinance granting any permit or right to occupy or use the streets, highways, bridges, or public places in the city for any purpose or granting any franchise, exclusive contract or other special privilege shall remain on file with the clerk for public inspection for at least two (2) weeks before its final adoption in the complete form in which it is finally passed. [Acts 1957, ch. 238, § 5.03; T.C.A., § 6-3213.]

6-32-204. Preservation and publication of ordinances. (a) All ordinances and their amendments shall be recorded by the clerk in a book to be known as the "ordinance book," and it shall be the duty of the mayor and clerk to

authenticate such records by their official signatures. A separate record shall be maintained for resolutions. The original copies of all ordinances, resolutions, and motions shall be filed and preserved by the city clerk.

(b) At least an abstract of the essential provisions of each ordinance shall be published once in the official city newspaper within ten (10) days after its adoption, except that only the title shall be so published of any technical code adopted by reference. [Acts 1957, ch. 238, § 5.04; T.C.A., § 6-3214.]

6-32-208. Repeal of blue laws by referendum. (a) Any municipality having an ordinance prohibiting retail sales or deliveries of merchandise on Sunday may repeal the same by a referendum election for the ratification or rejection of the ordinance. The mayor and council by resolution may request the county election commission to hold a special or regular referendum election for the ratification or rejection of the Sunday ordinance, provided the county election commission receives the necessary resolution requesting the election at least thirty (30) days before the date on which the election is scheduled to be held.

(b) At any such election, the only question submitted to the voters shall be in the following form:

"For ordinance prohibiting sale or delivery of retail merchandise on Sunday.

Against ordinance prohibiting sale or delivery of retail merchandise on Sunday."

(c) The election commission shall certify the result to the mayor and council of the municipality. If a majority of those voting in the referendum favor repeal, the ordinance thereby shall be repealed. If a majority of those voting in the referendum oppose repeal, the ordinance shall continue in effect until legally amended or repealed.

(d) A referendum on this subject shall not be held more than once every twelve (12) months from the date of election. [Acts 1984, ch. 592, § 1.]

TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER

1. GOVERNING BODY.
2. ADMINISTRATION.
3. CODE OF ETHICS.

CHAPTER 1

GOVERNING BODY[2]

SECTION

1-101. Time of election of councilmen.
1-102. Time and place or regular meetings.
1-103. Order of business.

---

[1]Charter references

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

Ordinance #90, which establishes a joint civil defense organization with the county, is of record in the city clerk's office.

[2]Charter references

For detailed provisions of the charter related to the election, and to general and specific powers and duties of the city council, see Tennessee Code Annotated, title 6, chapter 32. In addition, see the following provisions in the charter that outline some of the powers and duties of the city council:

Appointment and duties of city clerk: § 6-35-401.
Appointment and duties of city manager: title 6, chapter 35, part 2.
Election and duties of mayor: § 6-32-106.
Qualifications, elections, terms, vacancies and recall of councilman: title 6, chapter 31.

1-104. General rules of order.
1-105. Compensation of mayor and council.
1-106. Terms of council.

1-101. Time of election of councilmen. Pursuant to option granted by Chapter No. 69, Senate Bill No. 418, enacted by the nineteen seventy-one (1971) Tennessee General Assembly, amending Tennessee Code Annotated, § 6-31-102, the mayor and councilmen hereby designate the first (1st) Tuesday after the first (1st) Monday in November as the date of holding its regular biennial municipal election, to coincide with the election of members of the General Assembly and Representatives in the Congress of the United States, as provided in Tennessee Code Annotated, title 2. (1963 Code, § 1-101)

1-102. Time and place of regular meetings. The governing body shall hold regular meetings on the first (1st) and third (3rd) Tuesdays of each month. (Ord. #12-93, April 1993)

1-103. Order of business. At each meeting of the governing body, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

(1) Call to order by the mayor.
(2) Roll call by the city clerk.
(3) Reading of minutes of the previous meeting(s) by the city clerk and approval or correction.
(4) Grievances from citizens.
(5) Communications from the city manager.
(6) Reports from committees, members of the governing body, and other officers.
(7) Old business.
(8) New business.
(9) Adjournment. (1963 Code, § 1-103)

1-104. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the governing body at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1963 Code, § 1-104, modified)

1-105. Compensation of mayor and council. The mayor shall be compensated two hundred dollars ($200.00) per month and the members of the council shall be compensated one hundred fifty dollars ($150.00) per month.

The compensation shall commence and be paid at the end of the term of the council person whose term last expires. (Ord. #10-01, Oct. 2000)

1-106. <u>Terms of council</u>. The terms of the council members representing Ward 1, Ward 4, and the at-large council member who received the most votes in the election for the at-large council member held in November 2004 be shortened and expire in November of 2006. The election for these three (3) council member positions shall be held on the first Tuesday after the first Monday in November, 2006 to coincide with the election of members of the General Assembly, commencing with the November, 2006 election. The terms of the council members elected in November of 2006 shall be four (4) years.

The terms of office of the council members representing Ward 2, Ward 3, Ward 5, and the at-large council member who received the second most votes in the election for at-large council member held in November 2004 shall expire in November of 2008. The election for these four (4) council member positions shall be held on the first Tuesday after the first Monday in November 2008 to coincide with the election of members of the General Assembly, commencing with the November 2008 election. The terms of the council members elected in November 2008 shall be four (4) years. (as added by Ord. #26-05, June 2005)

CHAPTER 2

ADMINISTRATION

SECTION

1-201. Administrative organization.
1-202. City clerk.

1-201. Administrative organization. For administrative purposes the city government shall be organized to have ten (10) departments headed respectively by a Director of Administrative and Accounting, a Director of Public Works, a Director of Cemetery and Parks, a Director of Water, a Director of Wastewater, a Director of Planning and Code Enforcement, a Chief of Fire, a Chief of Police, a Director of Turf Management, and a Director of Animal Control. Each department may be subdivided into functional divisions as may be recommended by the head of the affected department and approved by the city manager. The ten (10) department heads shall be appointed by and work under the supervision and direction of the city manager. (Ord. #29-88, June 1988, as replaced by Ord. #138-14, June 2014)

1-202. City clerk. The city manager shall appoint a city clerk and up to three (3) deputy city clerks. The city clerk shall work under the supervision and direction of the city manager. (1963 Code, § 1-202)

CHAPTER 3

CODE OF ETHICS

SECTION

1-301. Applicability.
1-302. Definitions.
1-303. Gift ban.
1-304. Gift ban exceptions.
1-305. Disposition of gifts.
1-306. Disclosure of personal interests by official with vote.
1-307. Disclosure of personal interests on nonvoting matters.
1-308. City clerk to maintain disclosure file.
1-309. Ethics complaints.
1-310. Violations.

1-301. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #57-07, May 2007)

1-302. Definitions. For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

(1) "City" means the municipality of Union City, Tennessee.

(2) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.

(3) "Immediate family" means parents, spouse and children.

(4) "Personal interest" means:

(a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars ($10,000.00) or five percent (5%) or greater in a business entity that has or is negotiating a contract of one thousand dollars ($1,000.00) or more with the city, or is regulated by any agency of the city; or

(b) The ownership of any real estate having a value of one thousand dollars ($1,000.00) or greater which the city has or is negotiating an acquisition, leasehold or easement agreement; or

(c) Any such financial or ownership interest as defined in § 1-302(4)(a) and (b) of this chapter by the officer or employee's spouse or immediate family member. (as added by Ord. #57-07, May 2007)

1-303. <u>Gift ban</u>. Except as permitted in § 1-304 of this chapter, no official or employee, nor any immediate family member of such official or employee for whom this chapter is applicable, shall intentionally or knowingly solicit or accept any gift as defined herein. (as added by Ord. #57-07, May 2007)

1-304. <u>Gift ban exceptions</u>. Section 1-303 of this chapter is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or a member of his or her immediate family, pays the fair market value.

(3) Any contribution that is lawfully made to the officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars ($50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered. For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and inter-governmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (as added by Ord. #57-07, May 2007)

1-305. <u>Disposition of gifts</u>. An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (as added by Ord. #57-07, May 2007)

1-306. <u>Disclosure of personal interests by official with vote</u>. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote so it appears in the minutes, any personal interest that affects the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (as added by Ord. #57-07, May 2007)

1-307. <u>Disclosure of personal interests on nonvoting matters</u>. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city clerk. In addition, the official or employee may, to the extent allowed by law, charter,

ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #57-07, May 2007)

1-308. City clerk to maintain disclosure file. The city clerk shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of seven (7) years after which the statements shall be destroyed. (as added by Ord. #57-07, May 2007)

1-309. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable laws.

(2) Except as otherwise provided in this chapter, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations to end any activity that, in the attorney's judgment, constitutes a violation of this chapter. The city attorney may request that the city council retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

(4) When a violation of this chapter also constitutes a violation of the city's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (as added by Ord. #57-07, May 2007)

1-310. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the city charter or other applicable law and, in addition, is subject to censure by the city council. The city manager, city attorney, or municipal employee who violates any provision of this chapter is subject to disciplinary action up to, and including termination of employment. (as added by Ord. #57-07, May 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. CITY BEAUTIFUL COMMISSION.
2. MUNICIPAL BOARD OF EXAMINERS.
3. BOARD OF EDUCATION.

CHAPTER 1

CITY BEAUTIFUL COMMISSION

SECTION

2-101. Creation, organization and compensation.
2-102. Functions.
2-103. Annual budget.
2-104. Semiannual report.
2-105. Terms of office.
2-106. Wards.

2-101. Creation, organization and compensation. A city beautiful commission is hereby established to be made up of seven (7) members, one (1) from each voting precinct and the remaining members at-large. The city beautiful commission shall elect a chairperson, vice chairperson and a secretary. A representative from each voting precinct shall be elected ward chairperson. All members shall serve without pay. (1963 Code, § 1-301, as amended by Ord. #10-05, Sept. 2004, and Ord. #22-05, May 2005)

2-102. Functions. The city beautiful commission shall function under the city manager and shall study, investigate, develop and promote the carrying out of plans for improving the health, sanitation, safety and cleanliness of the city by beautifying the streets, highways, alleys, lots, yards and other similar places in the city. It shall work with and through the health department and other departments of the city in the prevention of flies, diseases and casualties by the regular removal and elimination of trash and other debris from streets, highways and other public and private property. The commission shall encourage the placing, planting and/or preservation of trees, flowers, plants, shrubbery, and other objects of ornamentation in the city. It shall advise and recommend plans to the city council and to agencies of the city for the beautification of the city and shall otherwise promote public interest in the general appearance of the city. (1963 Code, § 1-302)

2-103. Annual budget. The city beautiful commission shall consider its annual budgetary needs in carrying out the above functions and shall present a proposed annual budget to the city on or before the first day of July of each year. (1963 Code, § 1-303)

2-104. Semiannual report. The city beautiful commission shall make a semiannual report to the city council as to its activities and functions, its needs and its recommendations for further activities. (1963 Code, § 1-304)

2-105. Terms of office. In the appointment of the first eight (8) commissioners, the city council shall designate their terms of office as follows:

The first two designated shall serve for three years each; the next three shall serve for two years each; and the next three shall serve for a period of one year each. Thereafter appointments shall be made annually by the city council on July 1 for replacing those commissioners whose term of office expires. (1963 Code, § 1-305)

2-106. Wards. For the purpose of administration and for the division of duties of ward chairpersons, the city shall be divided into wards that coincide with boundaries of voting precincts. (1963 Code, § 1-306)

CHAPTER 2

MUNICIPAL BOARD OF EXAMINERS

SECTION

2-201. Creation, membership and powers.
2-202. Organization and meetings of the board.
2-203. Examination and certification of applicants.
2-204. Re-examination.
2-205. Examination fee.
2-206. Issuance and term of license.
2-207. Proof of insurance.
2-208. Suspension or revocation of license.
2-209. Allowing name or license to be used fraudulently.
2-210. Provisions not applicable under certain conditions.
2-211. Violations.

2-201. Creation, membership and powers. There is hereby created a municipal board of examiners, hereinafter referred to as the board, for the purpose of regulating, examining and issuing licenses to applicants for permits to perform electrical, gas and plumbing services in Union City, Obion County, Tennessee, or similar services outside the corporate limits, if performed on or related to municipal owned or franchised utilities. The board shall have additional powers as listed hereafter. The board shall consist of five (5) members to be appointed by the mayor and councilmen; one (1) a representative of the gas utility, one (1) a representative of the electric utility, one (1) a representative of the plumbing industry, two (2) residents of Union City, one (1) of which shall be associated with the building and trades industry. The director of planning and code enforcement shall serve as ex- officio member of the board. Members of the board shall have at least five (5) years experience in their respective field, and shall serve without compensation. Except for the initial appointments, the terms of the members of the board shall be three years, ending the first Tuesday in February. The five (5) members first appointed shall be appointed for terms of one for one (1) year, two for two (2) years and two for three (3) years, or adjusted portions thereof to conform with expiration date respectively, so that terms of members will be staggered. (1963 Code, § 4-701)

2-202. Organization and meetings of the board. The board shall hold its first meeting not later than thirty (30) days following its appointment. Thereafter, the board shall meet at such intervals as may be necessary for the proper performance of its duties, but in any case not less than twice each year; the second Monday in February and August. The board shall elect a chairman annually at its first meeting after the first Tuesday in February of each year.

The planning and code enforcement director shall serve as secretary to the board and shall keep minutes of the meeting. (1963 Code, § 4-702)

2-203. Examination and certification of applicants. The board shall establish standards and procedures for the qualification, examination and licensing of plumbers, electricians and gas fitters and shall authorize an appropriate license for each person who meets the qualifications. At the request of an applicant who has successfully qualified for an electrician's, plumber's and gas fitter's license, the board may issue a general utility code license authorizing the licensee to engage in the performing of service work as regulated in the utility codes of the municipality. The secretary of the board shall keep an official record of all its transactions. (1963 Code, § 4-703)

2-204. Re-examination. Any person who fails to pass an examination as prescribed by the board may apply for re-examination after the expiration of thirty (30) days upon payment of one-half the examination fee. (1963 Code, § 4-704)

2-205. Examination fee. Any person desiring to be licensed as a plumber, electrician or gas fitter shall make written application in a suitable form prescribed by the board. The examination and license fees shall be in accordance with a schedule of fees as may be adopted from time to time by resolution of the mayor and councilmen; and such fee shall accompany the application. Examination fees are not returnable. (1963 Code, § 4-705)

2-206. Issuance and term of license. Licenses shall be issued by the city clerk to all applicants therefor who comply with all the requirements of this chapter. Licensee's eligibility shall continue in full force and effect so long as the licensee pays all applicable fees and complies with all applicable laws, ordinances and codes. (1963 Code, § 4-706)

2-207. Proof of insurance. It shall be required of every person obtaining a plumbing or gas fitters license, before engaging in the business of plumbing work or gas fitting, to file with the city clerk at city hall a certificate of insurance insuring his license related activities, signed by the qualified agent of the insurer, showing the type of policy issued; the policy number; the name of the insurer; the effective date of the policy; an agreement by the insurer to give thirty (30) days written notice by registered mail to the city clerk of the intent to cancel the policy for any reason. Such insurance policy shall be maintained at all times with an insurance company authorized to do business in the State of Tennessee, the limits of insurance required by any other applicable law or authority having jurisdiction, but not less than $100,000 per occurrence combined bodily injury and property damage insurance, including

any damage to public right-of-way or shrubbery. Proof of said liability insurance shall be required for renewal of said license. (Ord. #10-92, May 1992)

2-208. Suspension or revocation of license. Any person engaged in doing plumbing, electrical or gas fitting work which does not conform to the applicable plumbing, electrical, gas fitting, and mechanical codes or whose workmanship or materials are of inferior quality shall, on notice from the planning and code enforcement director make necessary changes or corrections at once so as to conform to the applicable code. The board of examiners and licensing may revoke any license issued hereunder for continuous violations. When the revocation of any license is to be considered at any meeting, the person to whom the license has been issued shall be given at least seven (7) days notice in writing of the time and place of such meeting, together with a statement of the grounds upon which it is proposed to revoke his license. At such meeting, the licensee shall be allowed to appear in his own behalf, to be represented by counsel, and to present witnesses. If said license is revoked., no new license may be issued until the expiration of at least one (1) year from the date of such revocation. The licensee may, within ten (10) days, file an appeal on the decision of the board to the mayor and councilmen. (1963 Code, § 4-708)

2-209. Allowing name or license to be used fraudulently. No person engaged in doing plumbing, electrical work or gas fitting shall allow his name to be used by any other person, firm, or corporation, directly or indirectly, to obtain a permit, or for the construction of any work under his name or license nor shall he make any misrepresentation or omissions in his dealings with the city. Every person licensed shall notify the director of planning and code enforcement of the address of his place of business, if any, and the name under which such business is carried on and shall give immediate notice to the director of planning and code enforcement of any change in either. The person licensed is responsible for all work involving piping, electric wiring and gas fitting done on any premise. The person licensed shall supervise all work authorized by such permit. (1963 Code, § 4-709)

2-210. Provisions not applicable under certain conditions. (1) The provisions of this chapter requiring licensing do not apply to an owner of residential property altering or repairing his own property. An owner of residential property may construct one single family residence for his own use and occupancy without qualifying for a license, but the application for a building permit for construction of more than one single family residence in a year's time shall be construed as engaging in the construction business and such an owner must secure a license before the permit will be issued. Nothing herein shall release the owner-builder from the requirements of obtaining a permit.

(2) The following work may be performed for their employer by the regular employees of the utility companies, who are regularly engaged in the

distribution of gas or electricity, providing that all work shall be performed under the supervision of the duly authorized official of such utility:

(a) Outside construction work;

(b) The installation and maintenance of underground or overhead services, service equipment, or metering equipment on consumer's premises, which is the property of the utility company;

(c) The installation and maintenance of equipment necessary for the operation of the utility, in central stations, sub-stations, plants or exchanges, owned or occupied by such public utility company; and

(d) The installing, extending, replacing, altering, or repairing of consumer's piping or electrical service provided such work is duly authorized by the officials of such utility. (1963 Code, § 4-710)

2-211. Violations. Any person violating any of the provisions of this chapter or the code adopted by chapter 2, § 12-201, chapter 3, § 12-301, chapter 4, § 12-401, or chapter 6, § 12-601, for which no other penalty is provided shall be punished under the general penalty clause for the city code. (1963 Code, § 4-711)

CHAPTER 3

BOARD OF EDUCATION

SECTION

2-301. Members.

2-301. Members. (1) The membership of the board of education is increased from five (5) to seven (7) members and the two (2) additional members shall be elected at-large at the November 2000 general election. The person receiving the highest number of votes shall be elected for a term of four (4) years and the person receiving the second highest number of votes shall be elected for a term of two (2) years.

(2) The ordinance comprising this section must be passed by the council on two (2) successive readings on separate days and the candidates must be qualified by filing their nominating petition as required by Tennessee Code Annotated, § 2-5-101(a)(3), by the third Tuesday of the third month before the November general election. Accordingly, the council declares that an emergency exists and the ordinance comprising this section shall take effect from and after its passage, the public safety and welfare requiring it. (Ord. #1-01, July 2000)

TITLE 3

MUNICIPAL COURT[1]

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the municipal charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1963 Code, § 1-501)

---

[1]Charter references
City court: § 6-33-103.
City judge: §§ 6-33-102 and 6-33-104.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.
3-202. Imposition and remission of fines and costs.
3-203. Disposition and report of fines and costs.
3-204. Disturbance of proceedings.
3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each case the number, parties' names, offense charged, judgement, fine, surety, officer receipts, date received and amount. (1963 Code, § 1-502)

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

The city judge shall impose in the bill of costs a seventy-five dollar ($75.00) municipal court fee. (1963 Code, § 1-508, as amended by Ord. #8-98, May 1998, and replaced by Ord. #88-10, Nov. 2009)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, 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 governing body a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1963 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1963 Code, § 1-512)

3-205. Trial and disposition of cases. Ordinarily the city court will be in session at 4:00 P.M. on Monday of each week; provided that, the city judge may designate alternate dates and/or times that city court may be in session to hear special cases or relieve overcrowded docket. Every person charged with violating a municipal ordinance or state statute shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other

incapacity, is not in a proper condition or is not able to appear before the court. (1963 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.
3-302. Issuance of summonses.
3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.[1] Only the city judge, the chief of police, the assistant chief of police, or anyone acting in that capacity, shall have the power and authority to issue warrants for the arrest of persons charged with violating municipal ordinances. (1963 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1963 Code, § 1-504)

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

---

[1]State law reference
For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 4

BONDS AND APPEALS

SECTION

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

3-401. Appearance bonds and waiver and plea of guilty 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; in addition, he may be allowed if he so elects, to sign a waiver and plea of guilty certificate and pay fine(s) plus costs as may be stipulated in a prepared "Schedule of Fines for Guilty Pleas Before City/Court Clerk" by the city judge. The fines and costs may be paid to the city court clerk, deputy city court clerk or director of public safety. (1963 Code, § 1-507)

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

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1963 Code, § 1-510)

---

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

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. PERSONNEL ORDINANCE.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

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

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 city shall take such action as may be required by applicable state and federal laws or regulations. (1963 Code, § 1-701)

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

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

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be

required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1963 Code, § 1-704)

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

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any ordinance creating any retirement system for any employee or official of the city, except those employees and officials covered under the Tennessee Consolidated Retirement System.

There is hereby excluded from this chapter any authority to make any agreement with respect to any employee or official not authorized to be covered by the federal or state laws or regulations. Acting under § 4-102 hereinabove contained, the mayor is hereby directed to amend the social security agreement executed on January 1, 1951, so as to extend the benefits of the system of federal old age and survivors insurance to include employees in part-time and fee-basis positions as of January 1, 1972, and to identify Union City as a participant in the Tennessee Consolidated Retirement System. (1963 Code, § 1-706)

CHAPTER 2

PERSONNEL ORDINANCE

SECTION

4-201. General provisions.
4-202. Scope.
4-203. Administration.
4-204. Rules.
4-205. Classification.
4-206. Compensation.
4-207. Appointments, promotions and veterans' preference.
4-208. Probation.
4-209. Absences, hours of work.
4-210. Training.
4-211. Separations.
4-212. Records.
4-213. Investigations, hearings.
4-214. General prohibitions.

4-201. General provisions. This chapter shall be known as the personnel ordinance. It is hereby the declared personnel policy of the city that:

(1) Employment in the city government shall be based on merit and fitness, free of personal and political considerations.

(2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of city government.

(3) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.

(4) Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic tests and evaluations.

(5) High morale shall be maintained by fair administration of this chapter and by every consideration of the rights and interests of employees consistent with the best interests of the public and the city.

(6) Tenure of employees covered by this chapter shall be subject to good behavior, the satisfactory performance of work, necessity in the performance of work, and the availability of funds. (1963 Code, § 1-801)

4-202. Scope. All offices and positions of the city are divided into the classified service and the exempt service.

(1) The exempt service shall include the following:

(a) Councilmen.

(b) Members of boards and volunteers who are not regular city employees.

(c) The city manager.

(d) Organizations and their employees and other persons engaged by the city on a contractual basis.

(e) Positions involving temporary, seasonal or part-time employment, or which consists of unskilled work not considered a regular or normal city function.

(f) Positions involving retired individuals seeking light duty work to supplement income.

(g) Volunteer firemen.

(h) Such positions involving seasonal or part-time employment, or which consists of unskilled work, as may be specifically placed in the exempt service by the personnel rules.

(i) Department heads.

(2) The classified service shall include all other positions in the city service that are not specifically placed in the exempt service by this chapter.

(3) When this chapter becomes effective, all persons then holding positions included in the classified service:

(a) Shall have permanent status if they have held their present positions for at least six months immediately preceding the effective date of this chapter; or

(b) Shall serve a probationary period of six months before acquiring permanent status if they have held their positions for less than six months immediately preceding the effective date of this chapter.

(4) The class in which each employee shall have status shall be determined in the manner provided in § 4-205.

(5) The following sections of this chapter apply only to the classified service unless otherwise specifically provided. (1963 Code, § 1-802)

4-203. <u>Administration</u>. (1) The personnel program established by this chapter shall be administered by the city manager acting as personnel director. The personnel director shall:

(a) Attend all meetings of the personnel board.

(b) Administer all the provisions of this chapter and of the personnel rules.

(c) Prepare and recommend revisions and amendments to the personnel rules.

(2) The personnel advisory board shall consist of three (3) members to be appointed by the council. The members of the board shall be persons in sympathy with the application of merit principles to public employment. No member of the board shall be a member of any local, state or national committee of a political party or an official or member of a committee in any partisan political club or organization, nor shall hold or be a candidate for any elective

office. The members of the board shall serve for a term of three (3) years. Vacancies occurring during a term shall be filled for the balance of the term. Members of the board shall serve without compensation, but funds will be provided for reasonable and necessary expenses. The board shall elect its own chairman.

(3) In addition to the duties set forth elsewhere in this chapter, the board shall:

(a) Advise the personnel director and the council on matters of personnel policy and problems of personnel administration, including the development of personnel rules, a job classification plan, and a uniform pay plan.

(b) Represent the public interest in the improvement of personnel administration in the city service.

(c) Make any inquiry which it may consider desirable concerning personnel administration in the city service, and make recommendations to the city manager and the council with respect thereto. (1963 Code, § 1-803, as amended by Ord. #108-12, April 2012)

4-204. <u>Rules</u>. The personnel director shall draft such rules as may be necessary to carry out the provisions of this chapter. Following a public hearing conducted by the personnel board, these rules shall be submitted for adoption by resolution of the council. The rules shall have the force and effect of law. Amendments to the rules shall be made in accordance with the above procedure. (1963 Code, § 1-804)

4-205. <u>Classification</u>. The personnel director shall make an analysis of the duties and responsibilities of all positions in the classified service and he shall recommend to the council a job classification plan. Each position in the classified service shall be assigned to a job class on the basis of the kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same test of competence, and the same pay scale. A job class may contain one position, or more than one position.

Within 60 days after the recommendation of the initial classification plan by the director, the council shall, after public hearing, approve a classification plan, and the director shall thereafter allocate each position to its appropriate class.

The class to which each position is initially allocated following adoption of this chapter shall be the class in which the employee shall have status conferred on him by § 4-202(4).

The initial classification plan shall be revised from time to time as changing conditions require, upon recommendations of the personnel director and with the approval of the council. Such revisions may consist of the addition,

abolishment, consolidation, division or amendment of existing classes. (1963 Code, § 1-805)

4-206. Compensation. The personnel director, in consultation with the finance officer, shall prepare a pay plan and rules for its administration. The rate or range for each class shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to compensation for comparable positions in other places of public and private employment.

The personnel director shall submit the pay plan and the rules for its administration to the council for adoption. The council, after public hearing, may adopt the plan and the rules, with or without amendment. All amendments shall apply uniformly to all positions within the same class.

After the pay plan and the rules for its administration have been adopted by the council, the personnel director shall assign each job class to one of the pay ranges provided in the pay plan.

The pay plan may be amended from time to time as circumstances require, either through adjustment of rates or reassignment of job classes to different pay ranges. (1963 Code, § 1-806)

4-207. Appointments, promotions and veterans' preference. Original appointments to vacancies occurring after the ordinance comprising this chapter becomes effective shall be based on merit as determined by systematic tests and evaluations.

Examinations shall be in such form as will fairly test the abilities and aptitudes of candidates for the duties to be performed, and may not include any inquiry into the political or religious affiliations or race of any candidate.

Candidates who qualify for employment shall be placed on an eligible list for the appropriate job class in the rank or order of the grades they obtained on the examination.

Preference in entrance examinations, but not in promotion, shall be granted to qualified persons who have been members of the armed forces of the United States in time of war, and who seek to enter the service of the city within five years immediately following their honorable discharge from military service. Such preference shall be in the form of points added to the final grades of such persons, provided that they first achieve a passing grade. The preference may be as much as five points for non-disabled veterans, and as much as ten points for persons currently receiving compensation from the U. S. Veterans Administration for war-service-incurred disabilities. The rank and order of such persons among other eligibles shall be determined on the basis of their augmented rating.

Vacancies in positions above the entrance level shall be filled by promotion whenever in the judgment of the personnel director it is in the best interests of the city to do so, and promotions shall be on a competitive basis except where the personnel director finds that the number of persons qualified

for promotion is insufficient to justify competition. Promotions shall give appropriate consideration to the applicant's qualifications, record of performance and seniority.

An advancement in rank or grade or an increase in salary beyond the limits defined in the rules for the administration of the pay plan shall constitute a promotion.

Pending the availability of the eligible list determined by the personnel director to be appropriate for a class, vacancies may be filled by temporary appointments. Such appointments shall have a maximum duration of six months and may not continue beyond one pay period after the establishment of an appropriate eligible list. (1963 Code, § 1-807)

4-208. Probation. Employees appointed from original appointment eligible lists or from promotional eligible lists shall be subject to a period of probation. The regular period of probation shall be six months, provided that the personnel rules may specify a longer or shorter period of probation in individual cases. No probationary period may extend beyond twelve months.

The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and if found to be below standards satisfactory to the appointing authority, the appointing authority may remove or demote the probationer at any time during the probationary period. Such removals or demotions shall not be subject to review or appeal.

An employee shall be retained beyond the end of the probationary period and granted permanent status only if the appointing authority affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status. (1963 Code, § 1-808)

4-209. Absences, hours of work. Rules shall be adopted prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover, among others, vacations, sick leaves and leaves for military service. (1963 Code, § 1-809)

4-210. Training. The personnel director shall encourage the improvement of service by providing employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service. (1963 Code, § 1-810)

4-211. Separations. The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties. Any employee may be temporarily separated by layoff or suspension, or permanently separated by resignation or dismissal.

Whenever there is lack of work or lack of funds requiring reductions in the number of employees in a department or division of the city government, the

required reduction shall be made in such job class or classes as the department head may designate provided that employees shall be laid off in the inverse order of their relative length of service. Within each affected job class, all temporary employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any permanent employees.

When in the judgment of an appointing authority an employee's work performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay. A suspended employee may not request a hearing before the personnel board unless the suspension is for more than fifteen working days, or unless the employee has already received a previous suspension within the six months immediately prior thereto,

A permanent employee may be dismissed or demoted whenever in the judgment of the appointing authority the employee's work or misconduct so warrants. When the appointing authority decides to take such action he shall file with the employee and the personnel board a written notification containing a statement of the substantial reasons for the action. The employee shall be notified not later than one (1) week prior to the effective date of the action. The notice shall inform the employee that he shall be allowed ten (10) days from the effective date of the action to file a reply with the appointing authority and the personnel board and to request a hearing before the personnel board. If the employee files a reply and requests a hearing within the prescribed period, the personnel board shall schedule a hearing. At the discretion of the employee the hearing may be private or open to the public. In conducting a hearing, the proceedings shall be informal and it shall be assumed that the action complained of was taken in good faith unless proved otherwise.

If the board finds the action of the appointing authority was based on political, religious, or racial prejudice, or that the appointing authority failed to follow the proper procedure outlined herein, the employee shall be reinstated to his former position without loss of pay. In all other cases wherein the board does not sustain the action of the appointing authority, the board's findings and recommendations shall be advisory in nature, and the appointing authority may affirm the original action or modify it pursuant to the board's recommendations.

An employee may resign by filing his reasons with the appointing authority.

An employee resigning in good standing may be reinstated to any position in the same class if there is need for his services within one (1) year after the date of resignation. (1963 Code, § 1-811)

4-212. <u>Records</u>. The personnel director shall maintain adequate records of the proceedings of the personnel board, and of his own official acts, the examination record of every candidate and the employment record of every employee. (1963 Code, § 1-812)

4-213. Investigations, hearings. During the course of any investigation or hearing the personnel director may request any employee of the city to attend and give witness. Any employee refusing to do so may be subject to disciplinary action as provided in § 4-211. (1963 Code, § 1-813)

4-214. General prohibitions. Employees in the classified service shall be selected without regard to political considerations, may not be required to contribute to any political purpose, and may not engage in improper political activity. The rules shall define the scope of improper political activity.

There shall be no discrimination against any person seeking employment or employed in the classified service because of any considerations of political or religious affiliation or belief or race, sex or marital status. (1963 Code, § 1-814)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

SECTION

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

4-301. Title. This chapter shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Union City. (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

4-302. Purpose. The mayor and city council in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

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

(a) Top management commitment and employee involvement;

(b) Continually analyze the worksite to identify all hazards and potential hazards;

(c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and

(d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

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

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

4-303. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Union City shall apply to all employees of each administrative department including the Union City Electric System and each commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #13-03, April 2003, as replaced by Ord. #61-08, Dec. 2007, and Ord. #129-14, Sept. 2013)

4-304. Standards authorized. The occupational safety and health standards adopted by the City of Union City are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.[1] (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

4-305. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

4-306. Administration. For the purposes of this chapter, Kelly Edmison, Fire Chief, is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of

---

[1]State law reference
Tennessee Code Annotated: title 50, ch.3.

operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

4-307. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Mayor and City Council of Union City, Tennessee. (Ord. #13-03, April 2003, as replaced by Ord. #129-14, Sept. 2013)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. BUSINESS TAXES.
4. WHOLESALE BEER TAX.
5. PRIVATE CLUB TAX.
6. HOTEL/MOTEL TAX.
7. LITIGATION TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depositories for city funds.
5-102. Collateral security required.
5-103. Eligible securities.
5-104. Failure to pay over deposits.
5-105. Safe keeping authorized by trustee.
5-106. Bonds for city projects.
5-107. Reserve fund for fines collected through speed and red light enforcement system.

5-101. Official depositories for city funds. First State Bank, First Citizens National Bank, Union Planters Bank of West Tennessee, Commercial Bank & Trust Company, and Reelfoot Bank are hereby designated as the official depositories for all municipal funds. (Ord. #1-00, July 1999)

5-102. Collateral security required. The city clerk before making deposits in an official depository shall require the institution to pledge to and deposit with the city clerk, as security for the repayment of all public monies to be deposited in the official depository, eligible security of aggregate par value equal or in excess of 105% of the aggregate balance of all accrued deposits then on deposit with said official depository; except, however, that no collateral security shall be required if the aggregate balance of all accrued deposits then in such depository does not exceed the amount for which full security is provided

---

[1]Charter references
Collection of taxes: § 6-35-301.

for such deposits by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation. The city clerk may require additional eligible security to be deposited to provide for any depreciation which may occur in the value of any security so deposited. (Ord. #13-95, Feb. 1995)

5-103. Eligible securities. The following securities shall be eligible as security for the purposes of this chapter:

(1) Negotiable bearer obligations of the United States of America or of agencies of the United States of America for which the full faith and credit of the United States of America is pledged for the payment of principal and interest thereon, and language appearing in the instrument specifically providing such guarantee or pledge and riot merely by interpretation or otherwise.

(2) Negotiable bearer obligations of the State of Tennessee, or of any county, school district, municipal corporation, or other legally constituted taxing subdivision of the State of Tennessee, which is not at the time of such deposit in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged as to both principal and interest thereon, and which obligations have not less than a Baa rating as rated by any nationally recognized rating service. (1963 Code, § 6-403)

5-104. Failure to pay over deposits. If an official depository fails to pay over upon presentation or demand any part of the public deposit made therein, whether matured or unmatured, the city council may sell at public sale any of the eligible securities so deposited. Notice of such sale shall be given in the official city newspaper. When the sale of the eligible securities has been so made and upon payment to the city clerk of the purchase monies, the city clerk shall transfer such eligible securities whereupon the absolute ownership of such eligible securities shall pass to the purchasers. Any surplus remaining after deducting the amount due the city and expense of the sale shall be paid to the official depository. (1963 Code, § 6-404)

5-105. Safe keeping authorized by trustee. The official depository may, by written notice to the city clerk, designate a qualified trustee and deposit the eligible securities as required by § 5-103 hereof with the trustee for safe keeping for the account of the city and the institution as an official depositor as their respective rights to an interest in such securities under this chapter may appear and be asserted by written notice to or demand upon the trustee in such cases, the city clerk shall accept the written receipts of the trustee describing the securities which have been deposited with the trustee by such depository, a copy of which shall also be delivered to the depository. Thereupon all such securities so deposited with the trustee are determined to be pledged with the city clerk and to be deposited therewith for all purposes of this chapter. The

qualifications of a trustee shall be governed by the applicable statutes of the State of Tennessee. (1963 Code, § 6-405)

5-106. Bonds for city projects. (1) When a bond is required for any city project authorized by resolution or ordinance of the city, the bond may be executed by the principal and a corporate surety acceptable to the city manager, or a letter of credit from a state or national bank, or a federal savings and loan association, provided that the bank or association has its principal office in this state, and has deposits of $12,000,000 or more.

(2) This section shall not apply to contracts required by Tennessee Code Annotated, § 12-4-201. (Ord. #9-90, Dec. 1989)

5-107. Reserve fund for fines collected through speed and red light enforcement system. (1) A reserve fund is hereby established within the Union City budget, to account for all revenues and expenditures associated with the speed and red light enforcement system.

(2) All deposits made to the speed and red light enforcement system reserve fund shall be appropriated solely for the expense of improvements and maintenance of streets within the city limits and expenses associated with the operation of the speed and red light enforcement system.

(3) A separate bank account shall be opened and all funds in the aforesaid reserve fund shall be deposited therein. The aforesaid funds shall not be deposited into the general fund of the City of Union City.

(4) The aforesaid bank account shall receive funds beginning July 1, 2011, and thereafter. (as added by Ord. #98-11, July 2011)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.
5-202. When delinquent--penalty and interest.
5-203. Assessment of property.

5-201. When due and payable.[1] Taxes levied by the municipality against real and/or personal property shall become due and payable annually on the first day of October of the year for which levied. (1963 Code, § 6-101)

5-202. When delinquent--penalty and interest.[2] All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.[3] (1963 Code, § 6-102)

---

[1]State law references

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

[2]Charter and state law reference

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

[3]Charter and state law references

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

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

5-203. **Assessment of property**. All assessments for city real property taxes shall be made by the county tax assessor and shall be made in accordance with the laws of the State of Tennessee by which property is assessed for county and/or city purposes. (1963 Code, § 6-103)

CHAPTER 3

BUSINESS TAXES

SECTION

5-301. Business tax levied.
5-302. Administration, collection, etc.

5-301. Business tax levied. 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 corporate limits of the City of Union City, Tennessee, at the rates and in the manner prescribed by the said act, the provisions of which are hereby adopted by reference. (1963 Code, § 6-201)

5-302. Administration, collection, etc. The "Business Tax Act" shall be administered and collected in accordance with the provisions of said Pub. Acts 1971, ch. 387, as amended, by the city clerk, who shall have such powers and duties as are prescribed therein for the municipal clerk. The required tax return shall be made on such form as the city clerk shall prescribe. (1963 Code, § 6-202)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The city clerk is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[1] (1963 Code, § 6-301)

---

[1]State law reference

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

CHAPTER 5

PRIVATE CLUB TAX

SECTION

5-501. Private club privilege tax levied.
5-502. Tax to be collected.

5-501. Private club privilege tax levied. As authorized by Tennessee Code Annotated, § 57-4-301 a privilege tax of three hundred dollars ($300.00) per annum is levied on every person engaging in the business of selling in private clubs, as defined in Tennessee Code Annotated, § 57-4-102 at retail in Union City, alcoholic beverages for consumption on the premises. The tax shall be due and payable to the city on July 1 and shall be paid no later than July 31 of each year, and any such person commencing such business between June 30 and July 1 of any succeeding year shall pay the tax. (1963 Code, § 6-501)

5-502. Tax to be collected. The city clerk is hereby directed to take appropriate action to assure payment of the tax levied in § 5-501. (1963 Code, § 6-502)

CHAPTER 6

HOTEL/MOTEL TAX

SECTION

5-601. Tax levied.
5-602. Use of revenues obtained from tax.
5-603. Revenues appropriated by city council.
5-604. Collection of tax.

5-601. Tax levied. A privilege tax is hereby levied in the amount of 5% of the consideration charged for the occupancy of any rooms, lodgings or accommodations furnished to transients by any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished for transients for a consideration within the city. (Ord. #21-90, June 1990)

5-602. Use of revenues obtained from tax. The revenues produced by the tax shall be used to maintain and increase employment opportunities by promoting industry, commerce, tourism and recreation by inducing manufacturing, industrial, governmental, financial service, commercial, recreational and agricultural enterprises to locate in or near Union City within Obion County. (Ord. #21-90, June 1990)

5-603. Revenues appropriated by city council. The revenues generated by the tax be appropriated by the city council for the foregoing purposes, as provided in Priv. Acts 1989, ch. 41. (Ord. #21-90, June 1990)

5-604. Collection of tax. The tax shall be collected as provided in Priv. Acts 1989, ch. 41, and the city manager shall perform such duties as are authorized and directed by the private act which is incorporated herein by reference thereto as fully and completely as if copied. (Ord. #21-90, June 1990)

CHAPTER 7

LITIGATION TAX

SECTION

5-701. Tax levied.
5-702. Revenues to be deposited into general fund.

5-701. Tax levied. (1) There is hereby levied on all cases filed in the City Court of Union City, Tennessee, a city litigation tax in the amount of $13.75.

(2) The litigation tax levied in § 1 shall be in addition to any other taxes and court costs now levied on cases filed in the City Court of Union City. (Ord. #15-93, June 1993)

5-702. Revenues to be deposited into general fund. The revenues generated from this litigation tax, upon collection by the clerk of the city court, shall be deposited into the general funds of the City of Union City and may be appropriated for any general purpose as determined by the city council. (Ord. #15-93, June 1993)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. JAIL.

CHAPTER 1

POLICE AND ARREST[1]

SECTION

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

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

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

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1963 Code, § 1-403)

6-104. 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]Municipal code reference
Traffic citations, etc.: title 15, chapter 7.

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

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

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

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1963 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1963 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1963 Code, § 1-407)

CHAPTER 2

JAIL

SECTION

6-201. County detention cells.
6-202. County jail.
6-203. City jailer.

6-201. County detention cells. Prisoners detained for minor offenses may be held overnight or periods of time approved by chief of police in city detention cells. (1963 Code, § 1-601)

6-202. County jail. The county jail is hereby designated as the city jail, subject to such contractual arrangements as may be resolved with the county officials. Prisoners may be assigned to county jail at the discretion of the ranking officer on duty. (1963 Code, § 1-602)

6-203. City jailer. The dispatcher or anyone acting in that capacity is hereby designated as city jailer. The jail and its custodian will be supervised by the ranking police officer on duty. (1963 Code, § 1-603)

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER

1. GENERAL PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1

GENERAL PROVISIONS

SECTION

7-101. Fire limits described.
7-102. Burning leaves, etc.

7-101. Fire limits described. The corporate fire limits shall be as follows: Beginning at a point in the center of West Bransford and South Second Streets; thence east with the center of West Bransford Street, 990', more or less, to the center of the G. M. & O. Railroad; thence north with the center of the G. M. & O. Railroad, 1920', more or less, to the center of East Church Street; thence east with the center of East Church Street, 380', more or less, to a point; thence north, 590' more or less, to a point in the center of East Main Street; thence west with the center of East Main Street, 110', more or less, to the center of North Division Street; thence north with the center of North Division Street, 370', more or less, to the center of East Vine Street; thence west with the center of East Vine Street, 180', more or less, to the center of Bank Street; thence north with the center of Bank Street, 840', more or less, to the center of East College Street; thence west with the center of East College Street, 215', more or less, to the center of the G. M. & O. Railroad; thence north with the center of the G. M. & O. Railroad, 310', more or less, to the center of East Palmer Street; thence west with the center of East Palmer Street, 170', more or less, to the center of North Depot Street; thence south with the center of North Depot Street, 300', more or less, to the center of East College Street; thence west with the center of East College Street, 220', more or less, to the center of North First Street; thence south with the center of North First Street, 640', more or less, to the center of West Leah Street; thence west with the center of West Leah Street, 570', more

---

[1]Municipal code reference
Building, utility and housing codes: title 12.

or less, to the center of North Third Street; thence south with the center of North Third Street 450' more or less, to a point, 250', more or less, north of the intersection of West Main Street and Third Street; thence west, 675', more or less, to a point in the center of North Fifth Street, said point being 230', more or less, north of the intersection of West Main Street and Fifth Street; thence south with the center of North Fifth Street 330', more or less, to a point in the center of South Fifth Street, said point being, 100', more or less, south of the center of West Main Street; thence east, 670', more or less, to a point in the center of South Third Street, said point being 100', more or less, south of the center of West Main Street; thence south with the center of South Third Street, 370', more or less, to the center of West Church Street; thence west with the center of West Church Street, 150', more or less, to the center of an alley located between South Third and South Fourth Streets; thence south with the center of said alley, 310', more or less, to the northwest corner of Court Square; thence west, 130', more or less, to a point in the center of South Fourth Street, said point being, 310', more or less, south of the center of West Church Street; thence south with the center of South Fourth Street, 450', more or less, to a point, said point being 180', more or less, north of the center of West Lee Street; thence east, 140', more or less, to a point in an alley located between South Third and South Fourth Streets, said point being 115', more or less, south of the southwest corner Court Square; thence south with the center of said alley, 190', more or less, to the center of West Lee Street; thence east with the center of West Lee Street, 430', more or less, to the center of South Second Street; thence south with the center of South Second Street, 950', more or less, to the center of West Bransford Street and the point of beginning. (1963 Code, § 7-101)

7-102. **Burning leaves, etc**. It shall be unlawful for any person to burn any leaves or refuse at any time or place within the corporate limits without a permit from the fire chief. (1963 Code, § 7-102)

CHAPTER 2

FIRE CODE[1]

SECTION

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

7-201. Fire codes adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of prescribing the regulations governing conditions hazardous to life and property from fire or explosion, the following fire codes are adopted and incorporated by reference as a part of this code:

(1) International Fire Code,[2] 2006 edition.

(2) 1 Uniform Fire Codes,[3] 2000 edition.

(3) Life Safety Code,[3] 2000. (Ord. #16-02, June 2002, as replaced by Ord. #101-12, July 2011)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (1963 Code, § 7-202, as replaced by Ord. #101-12, July 2011)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Union City. (1963 Code, § 7-203, as replaced by Ord. #101-12, July 2011)

7-204. Storage of flammable liquids and liquified petroleum gas. The limits referred to in § 902.1.1 of the fire prevention code herein adopted, in

---

[1]Municipal code reference
Building, utility and housing codes: title 12.

[2]Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

[3]Copies of this code are available from the National Fire Protection Association,Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

which storage of flammable or combustible liquids in outside above ground tanks is prohibited and the limits referred to in § 1701.4.2 of said code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1963 Code, § 7-204, as replaced by Ord. #101-12, July 2011)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1963 Code, § 7-205, as replaced by Ord. #101-12, July 2011)

7-206. Modifications. (1) The installation and use of coin operated dispensing devices for inflammable liquids is prohibited.

(2) Dwellings used and occupied as a single family residence shall be exempt from the provisions of the fire code, Chapter 18-206, Fire Alarm Requirement. (1963 Code, § 7-206, as replaced by Ord. #101-12, July 2011)

7-207. Appeals. When the chief of the fire department disapproves an application or refuses to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the fire prevention code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision. (1963 Code, § 7-207, as replaced by Ord. #101-12, July 2011)

7-208. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1963 Code, § 7-208, as replaced by Ord. #101-12, July 2011)

CHAPTER 3

FIRE DEPARTMENT[1]

SECTION

7-301. Establishment, equipment, and membership.
7-302. Objectives.
7-303. Organization, rules, and regulations.
7-304. Records and reports.
7-305. Chief responsible for training.
7-306. Chief to be assistant to state officer.

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

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

(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property 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. (1963 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department subject to the approval of the city manager, 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. (1963 Code, § 7-303)

---

[1]Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.

For provisions authorizing the mayor to sign a "mutual aid fire protection interlocal cooperation agreement" with other incorporated municipalities in Tennessee and Kentucky and designating the city manager as Union City's representative to the joint board created in such agreement, see Ord. # 10-79, of record in the city clerk's office.

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, training, and work of the department. He shall submit a written report on such matters to the city manager once each month, and at the end of the year a detailed annual report shall be made. (1963 Code, § 7-304)

7-305. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen, and the training shall consist of at least four (4) hours of instruction and drill each month. (1963 Code, § 7-305)

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1963 Code, § 7-307)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Definitions.
7-402. City to furnish rural fire service upon payment of a fee by subscribers.
7-403. City to respond to fire calls by county at no charge.
7-404. Fees and charges.
7-405. [Deleted.]

7-401. Definitions. As used in this chapter, the words and terms, as the case may be, shall have definitions as follows:

(1) "Subscriber" is a person, corporation or partnership who shall have primary liability to the city for the payment of fees and charges and for fire calls and who contracts with the City of Union City, pays the annual fees and guarantees payment of seven hundred fifty dollars ($750.00) for each fire call for one commercial or one residential building and accessory buildings to the primary structure and motor vehicle if they endanger the buildings of the subscriber located within the Union City Fire Department Rural Fire District as defined by agreement between the City of Union City and Obion County;

(2) "Rural fire service" is fire protection and/or fire fighting service available to subscribers outside Union City and such service shall be available to a subscriber if in the unlimited discretion of the city manager, the fire chief or the ranking officer on duty in the fire department, fire fighting personnel and/or equipment are not needed to serve the needs of the citizens of Union City and/or have not been dispatched to service other calls or fires in other areas outside Union City, and the assignment of personnel and/or equipment to service rural fire calls for subscribers shall be made in the unlimited discretion of the city manager, fire chief, or the ranking officer on duty in the fire department. (Ord. #8-92, Dec. 1991, as amended by Ord. #17-00, Feb. 2000, and replaced by Ord. #113-13, Aug. 2012)

7-402. City to furnish rural fire service upon payment of a fee by subscribers. (1) The city will furnish rural fire service, as defined herein, to a subscriber upon payment of a non-refundable fee of seventy-five dollars ($75.00) per annum in advance commencing on July 1, 2012; and

(2) The subscriber shall guarantee the payment of seven hundred fifty dollars ($750.00) for each fire call. (Ord. #8-92, Dec. 1991, as amended by Ord. #17-00, Feb. 2000, and replaced by Ord. #113-13, Aug. 2012)

7-403. City to respond to fire calls by county at no charge. The city will respond to fire calls by Obion County involving its property and the Tennessee State Highway Patrol in cases of highway accidents involving the

safety of persons or damage to state property at no cost. (Ord. #8-92, Dec. 1991, as replaced by Ord. #113-13, Aug. 2012)

7-404. Fees and charges. The fees and charges for rural fire service shall be paid to the general fund. (Ord. #8-92, Dec. 1991, as amended by Ord. #17-00, Feb. 2000, and replaced by Ord. #113-13, Aug. 2012)

7-405. [Deleted]. (Ord. #8-92, Dec. 1991, as deleted by Ord. #113-13, Aug. 2012)

CHAPTER 5

FIREWORKS

SECTION

7-501. Definition.
7-502. Manufacture, sale and discharge of fireworks.
7-503. Bond for fireworks display required.
7-404. Disposal of unfired fireworks.
7-505. Exceptions.
7-506. Seizure of fireworks.

7-501. Definition. "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect. (1963 Code, § 7-401, as replaced by Ord. #109-12, June 2012)

7-502. Manufacture, sale and discharge of fireworks. (1) The manufacture of fireworks is prohibited within the municipality.

(2) Except as to those items classified as D.O.T. Class C common fireworks, those items that comply with the construction chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations, and as hereinafter provided, it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the city manager shall have power to grant permits for supervised public displays of fireworks by the municipality, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chief of the fire department of the municipality, and shall be of such a character, and be so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or dangerous to the public.

(3) Applications for permits shall be made in writing in advance of the date of the display. After such privilege shall have been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1963 Code, § 7-402, as amended by Ord. #109-12, June 2012)

7-503. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the city manager for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (1963 Code, § 7-403)

7-504. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1963 Code, § 7-404)

7-505. Exceptions. Nothing in this chapter shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of the city; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1963 Code, § 7-405)

7-506. Seizure of fireworks. Policemen and firemen shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1963 Code, § 7-406)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he affirmatively shows that he has express authority under the state law[2], it shall be unlawful for any person to receive, possess, store, transport, 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. (1963 Code, § 2-101)

---

[1]State law reference
Tennessee Code Annotated, title 57.

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

CHAPTER 2

BEER[1]

SECTION

8-201. Beer business lawful but subject to regulation.
8-202. Beer permit board -- creation and membership.
8-203. Beer board members to take oath.
8-204. Beer permit required for engaging in beer business.
8-205. When beer permit will not be issued.
8-206. Application for a beer permit.
8-207. Suspension or revocation of beer permits.
8-208. Beer permits for hotels, clubs and lodges.
8-209. Display of beer permit.
8-210. Duration of beer permits.
8-211. Beer permits not transferable.
8-212. Sales prohibited to persons who are intoxicated or feeble-minded, etc.
8-213. Premises to have proper sanitary facilities.
8-214. Sales prohibited in pool or billiard parlors.
8-215. Retail premises to be on street level and have glass fronts.
8-216. Unlawful to obstruct view into retail beer premises.
8-217. Sales of beer to be on ground floors only--exceptions.
8-218. Beer wholesalers, etc., to deal only with licensed retailers.
8-219. Minors.
8-220. Hours of sale.
8-221. Sanitation requirements for on-premises retailers.
8-222. Violations.
8-223. Liability of employees for violations.

8-201. Beer business lawful but subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive, or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of Union City, subject to all of the regulations, limitations and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (1963 Code, § 2-201)

---

[1]State law reference

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

8-202. <u>Beer permit board--creation and membership</u>. There is hereby created a board of three members, to be known as the beer permit board of the City of Union City, Tennessee. The city manager and the chief of police of the city shall be two of the members of such board, and the third member, representing the general public, shall be appointed by the mayor, subject to the approval of the city council, for a term of one year. The appointed member shall be a resident of the city who has been such a resident for at least one full year next preceding his appointment. Such member shall be appointed, subject to the right of the mayor, with the approval of the city council, to terminate such appointment at any regular meeting of the city council. (1963 Code, § 2-202)

8-203. <u>Beer board members to take oath</u>. The members of the beer permit board shall, upon their appointment being duly approved by the city council, take an oath before the city clerk to faithfully perform the duties imposed upon them without fear or favor, and in full accordance with the constitution and laws of the State of Tennessee, and the ordinances of the City of Union City. (1963 Code, § 2-203)

8-204. <u>Beer permit required for engaging in beer business</u>. No person shall engage in the storing, selling, distributing or manufacturing of beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowable by the statutory laws of the State of Tennessee, or other beverages of like alcoholic content, within the corporate limits of the City of Union City, until he shall receive a permit to do so from the beer permit board of the City of Union City, which permit shall at all times be subject to all of the limitations and restrictions herein provided. (1963 Code, § 2-204)

8-205. <u>When beer permit will not be issued</u>. No permit shall be issued to sell any beverage coming within the provisions of this section:

(1) In violation of any provisions of the state law.

(2) In violation of the zoning ordinance of the City of Union City.

(3) Where such sales will cause congestion of traffic, or interference with schools, churches or other places of public gathering, or otherwise with the public health, safety or morals. (The judgment of the beer permit board on such matters shall be final except as the same is subject to review at law.)

(4) To an applicant whose principal business is the operation of a filling station or other business engaged in servicing motor vehicles with gasoline or other motor fuels, or providing maintenance for such vehicles.

(5) To an illegal alien. (1963 Code, § 2-205, modified)

8-206. <u>Application for a beer permit</u>. Before any permit is issued by the beer permit board, the applicant therefor shall file with the beer permit board a sworn petition in writing, on forms prescribed by and furnished by the board, and shall establish the following:

(1) The location of the premises at which the business shall be conducted.

(2) The owner or owners of such premises.

(3) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer permit board has issued a permit or permits to such applicant.

(4) That no sale of such beverages will be made except in accordance with the permit granted.

(5) That if the application is for a permit to sell "not for consumption on the premises" that no sale will be made for consumption on the premises and that no consumption will be allowed on the premises thereof.

(6) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of liquor laws to loiter around the place of business.

(7) That the premises which the application covers meet the requirements of § 8-222 of this code. (The beer permit board may require the applicant to secure a certificate or a statement from the health officer to this effect.)

(8) That the applicant will not allow gambling or gambling devices on his premises.

(9) That the applicant will not allow any liquor having an alcoholic content of more than .05 (5%) percent by weight to be possessed, sold or consumed on the premises.

(10) That neither the applicant nor any persons employed or to be employed by him in such distribution or sale of such beverage has ever been convicted of any violation of the law against possession, sale, manufacture or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(11) That the applicant will conduct the business in person, for himself, or if he is acting as agent, he shall name the persons, firms or corporations, syndicates, associations or joint stock companies for whom and only for whom, he intends to act. (1963 Code, § 2-206, as amended by Ord. #18-00, March 2000, modified)

8-207. <u>Suspension or revocation of beer permits</u>. All permits issued by the beer permit board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

The board created in this chapter is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be revoked for violation of the provisions of this chapter or the provisions of the state beer act.

Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board.

When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said suspected violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the City of Union City. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject only to review by the court, as provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one year from the date said revocation becomes final. (1963 Code, § 2-207)

8-208. Beer permits for hotels, clubs and lodges. It shall be lawful for the beer permit board to issue a permit for the sale of any beverage coming within the provisions of this section, to hotels, clubs, or lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all limitations and restrictions contained in the permit provided for by this chapter and any ordinance amendatory hereof. (1963 Code, § 2-208)

8-209. Display of beer permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1963 Code, § 2-210)

8-210. Duration of beer permits. Permits issued under the provisions of this chapter shall be issued for one (1) year beginning with the date of issuance of the permit. (1963 Code, § 2-211)

8-211. Beer permits not transferable. Permits issued under the provisions of this chapter are not transferable, either as to location or as to successors by purchase, or otherwise, of the business for which the permit was issued, and in either case, a new permit is required in the manner provided herein. (1963 Code, § 2-212)

8-212. Sales prohibited to persons who are intoxicated or feeble-minded, etc. No person shall make, or permit to be made, any sale or distribution of any beverage regulated by this chapter to any person who is

intoxicated, feeble-minded, insane, or otherwise mentally incapacitated. (1963 Code, § 2-213)

8-213. Premises to have proper sanitary facilities. No person shall fail to provide proper sanitary facilities where beverages regulated by this chapter are permitted to be consumed on the premises. (1963 Code, § 2-214)

8-214. Sales prohibited in pool or billiard parlors. No person shall sell or distribute any beverage regulated by this chapter at any place where pool or billiards are played, unless the sale or distribution of such beverage is made in the front of such room or place where a partition wall separates the place from the pool or billiard parlor. (1963 Code, § 2-215)

8-215. Retail premises to be on street level and have glass fronts. No license to permit the retail sale or distribution of beverages coming within the provisions of this chapter shall be issued for the operation of any place except one on street level and with so much of the front enclosed in glass and of such design that the interior can be easily seen from the sidewalk or street in front of such place. Chartered clubs may be exempt from the provisions of this section at the discretion of the beer permit board. (1963 Code, § 2-216)

8-216. Unlawful to obstruct view into retail beer premises. It shall be unlawful for any permittee to install, maintain or use any curtain, drape, shade, blind, screen or other thing that in any way hinders a clear and unobstructed view of the whole interior of a retail beer place from any point on the sidewalk or street in front of such place. (1963 Code, § 2-217)

8-217. Sales of beer to be on ground floors only--exceptions. In any building or on any premises where the retail sale of beverages coming within the provisions of this chapter is permitted, no alcoholic beverage shall be sold, served or consumed in any basement room or room other than on the ground floor, except in hotel bedrooms. Chartered clubs may be exempt from the provisions of this section at the discretion of the beer permit board. (1963 Code, § 2-218)

8-218. Beer wholesalers, etc., to deal only with licensed retailers. It shall be unlawful for any wholesaler, distributor or manufacturer of beer, or any salesman or representative thereof, to sell or deliver beer enroute, or from delivery vehicles, to any persons other than the holders of valid retail beer permits. It shall be the duty of such wholesaler, distributor, or manufacturer, or such salesman or representative, to ascertain whether or not such purchaser is a holder of a valid retail beer permit. (1963 Code, § 2-219)

8-219. Minors. It shall be unlawful for any minor to purchase or attempt to purchase, or for any person to purchase for a minor, any beverage regulated hereunder, and it shall be unlawful for any minor to possess any such beverage upon the premises of an on-premises permittee.

It shall be unlawful for any minor to present or offer to permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure such beverage.

Any minor who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall, upon conviction, be subject to a fine under the general penalty clause for this code; if seventeen (17) years of age, or less, he shall be taken before the juvenile judge for appropriate disposition.

Any other person who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be subject to a fine under the general penalty clause for this code. (1963 Code, § 2-220)

8-220. Hours of sale. It shall hereafter be unlawful and it is hereby declared to be a misdemeanor for any person, persons, firm or corporation or association to sell or distribute any of beverages regulated hereunder, within the corporate limits of the City of Union City, between the hours of 3:00 A.M. and 6:00 A. M. Monday through Saturday, and between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. No such beverage shall be consumed or opened for consumption on the premises of a permittee, in either bottle, glass, or other container, after 3:15 A.M. (Ord. #8-03, Dec. 2002)

8-221. Sanitation requirements for on-premises retailers. Any person holding a permit under this chapter which authorizes the sale of beer for consumption on the premises, shall keep and maintain the premises in a clean and sanitary condition. The sanitation requirements for such places shall be the equivalent of that required for a rating of Class "B," better, as established by the Tennessee State Department of Conservation, Division of Hotel and Restaurant Inspections. The city health officer or any properly authorized person is hereby authorized to enter the premises of any on-premises permittee, at all reasonable hours, for the making of such inspections as may be necessary. The determination of sanitary conditions is solely a question for the City of Union City. (1963 Code, § 2-222)

8-222. Violations. Each day's violation of each or any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor which shall be punishable by a fine under the general penalty clause for this code and/or by suspension or revocation of the permit issued hereunder. (1963 Code, § 2-223)

8-223. <u>Liability of employees for violations</u>. Any employee of any permittee, either retailer or wholesaler, who violates the provisions of this chapter or any provision of the state beer act while so employed by such permittee shall be guilty of a misdemeanor which shall be punishable by a fine under the general penalty clause for this code. (1963 Code, § 2-224)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. MECHANICAL AMUSEMENT DEVICES, BILLIARDS, ETC. AND MINORS.
6. BILL POSTERS.
7. CABLE TELEVISION.

CHAPTER 1

MISCELLANEOUS

SECTION

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1963 Code, § 5-102)

---

[1]Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.[1]

SECTION

9-201. Permit required.
9-202. Exemptions.
9-203. Application for permit.
9-204. Issuance or refusal of permit.
9-205. Appeal.
9-206. Bond.
9-207. Loud noises and speaking devices.
9-208. Use of streets.
9-209. Exhibition of permit.
9-210. Policemen to enforce.
9-211. Revocation or suspension of permit.
9-212. Reapplication.
9-213. Expiration and renewal of permit.

9-201. Permit required. (1) It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply for trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued.

(2) As used in this chapter, the following definitions shall be applicable:

(a) "Peddler" is a person who sells goods, foods or wares from a vehicle or cart on streets or sidewalks.

(b) "Canvasser" is defined as a person who goes from house to house (not places of business or business establishments) selling goods, foods, or wares.

(c) "Solicitor" is a person who solicits house to house (not places of business or business establishments) selling goods, foods, or wares by taking orders for future deliveries.

(d) "Transient merchant" is an itinerant merchant or vendor or a person who sells or takes orders to sell goods, foods, or wares at a specific location on public or private property but who does not own or hold a non-cancellable lease on the location for at least 60 days where such sales are made. (1963 Code, § 5-201)

---

[1]Municipal code reference
Privilege taxes: title 5.

9-202. <u>Exemptions</u>. The terms of this chapter shall not be applicable to:

(1) Persons selling at wholesale to dealers;

(2) Sales or deliveries by persons who operate established businesses;

(3) Newsboys;

(4) Other merchants in Union City who are not included in the definitions herein;

(5) Bona fide charitable, religious, patriotic, or philanthropic organizations; and

(6) Farmers who peddle, canvass, or solicit the sale of produce grown or raised by them. (1963 Code, § 5-202)

9-203. <u>Application for permit</u>. Applicants for a permit under this chapter must file with the city clerk a sworn written application containing the following:

(1) Name and physical description of applicant.

(2) Complete permanent home address and local address of applicant and, in the case of transient merchants, the local address from which proposed sales will be made, with a copy of a written non-cancellable lease of the property at the local address for a term of not less than 1 day nor more than one year;

(3) Tennessee sales tax number;

(4) A brief description of the nature of the business and goods to be sold;

(5) If employed, the name and address of the employer, together with written evidence or credentials thereof which establish the exact relationship between the employer and the employee;

(6) The length of time for which the right to do business is desired.

(7) The names of at least two reputable local property owners (exception any lessor of the applicant) who certifies as to the applicant's good moral reputation and business responsibility or, in lieu of the names of local references, the names or other information as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility;

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor of for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor;

(9) The names of the last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of the applicant and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities; and

(10) At the time of the filing of the application, a fee of fifty dollars ($50.00) shall be paid to the municipality to cover the costs of administration and investigation of the facts stated in the application. (1963 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city clerk within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city clerk shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city clerk shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city clerk shall keep a permanent record of all permits issued. (1963 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city clerk in the denial of a permit shall have the right to appeal to the governing body of the city. Such appeal shall be taken by filing with the city manager within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or 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. (1963 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city clerk a surety bond running to the municipality in the amount of five hundred dollars ($500.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1963 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or

other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1963 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1963 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1963 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1963 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee 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.

(3) When reasonably necessary in the public interest the manager may suspend a permit pending the revocation hearing. (1963 Code, § 5-211)

9-212. <u>Reapplication</u>. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1963 Code, § 5-212)

9-213. <u>Expiration and renewal of permit</u>. Permits issued under the provisions of this chapter shall expire on June 30, of each year. An applicant seeking renewal of a permit after expiration must submit a new application in accordance with § 9-203. (1963 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Permit required.
9-302. Prerequisites for a permit.
9-303. Denial of a permit.
9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city clerk authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1963 Code, § 5-301)

9-302. Prerequisites for a permit. The city clerk shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1963 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1963 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1963 Code, § 5-304)

CHAPTER 4

TAXICABS[1]

SECTION

9-401. Definitions.
9-402. Certificate of public necessity and convenience required.
9-403. Requirements as to application for a certificate.
9-404. Character and residence requirements.
9-405. Certificate is nonassignable--may be revoked or suspended.
9-406. Taxicab permit and fees--number and name to be printed on cab.
9-407. Taxicab license, inspection, sanitation and mechanical requirements.
9-408. Insurance requirements.
9-409. License required for taxicab drivers.
9-410. Miscellaneous prohibited conduct by drivers.
9-411. Route of cab--additional passengers.
9-412. Rates and fares.
9-413. Soliciting passengers prohibited.
9-414. Parking taxicabs.
9-415. Violations.

9-401. Definitions. The word "person" and all personal pronouns used herein shall be held to apply to and include individuals, partnerships, firms and corporations.

The term "taxicab," as used in this chapter, shall mean any vehicle carrying passengers for hire, except school buses, motor buses or motor coaches operated by bus lines over designated routes in and through the city.

The term "taxicab business," as used in this chapter, shall mean the use of one or more taxicabs within the corporate limits for the purpose of carrying passengers for hire, but not operated on a fixed route. (1963 Code, § 5-401)

9-402. Certificate of public necessity and convenience required. It shall be unlawful for any person to drive, operate, or keep for hire or pay, within the limits of Union City, any taxicab without first having obtained from the city council, a certificate of public necessity and convenience. (1963 Code, § 5-402)

9-403. Requirements as to application for certificate. Application for a certificate of public necessity and convenience shall be made under oath and in writing to the city clerk for consideration by the city council. The

---

[1]Municipal code reference
Privilege taxes: title 5.

application shall state the name and address of the applicant, the name and address of the proposed taxicab business, the number of taxicabs the applicant desires to operate, and such other pertinent information as the city council or city clerk may require.

When considering any application for a certificate of public necessity and convenience, the city council shall hear witnesses for and against the granting of the certificate. In deciding whether or not to grant the certificate, the city council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved.

In granting a certificate of public necessity and convenience, the city council shall specify the number of taxicabs which may be operated by permit under such certificate.

Those persons presently operating taxicabs under valid permits of public necessity and convenience when the ordinance comprising this chapter is adopted may make application to the city clerk within 60 days to have a certificate of public necessity and convenience and taxicab permits issued to substitute for any valid permit of public necessity and convenience, upon payment of the fee set forth in § 9-406. (1963 Code, § 5-403)

9-404. Character and residence requirements. No certificate shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony, nor shall such certificate be issued to or held by any corporation if any official thereof shall be ineligible for a certificate under the foregoing conditions. (Ord. #5-02, Dec. 2001)

9-405. Certificate is nonassignable--may be revoked or suspended. Any certificate of public necessity and convenience issued under the provisions of this chapter shall be nonassignable and may be modified by the city council at any time.

Any certificate of public necessity and convenience may be revoked or suspended by the city council for any of the following reasons:

(1) Failure to comply with the provisions of this chapter;

(2) Violation or failure to comply with any of the provisions of this chapter by a taxicab driver possessing, using, or operating a taxicab for any holder of a certificate;

(3) Commission of any offense prohibited by the Municipal Code of Union City by a holder of a certificate or a taxicab driver possessing, using, or operating a taxicab for any holder of a certificate;

(4) Commission of any criminal offense prohibited by any state or federal statute by a holder of a certificate or a taxicab driver possessing, using, or operating a taxicab for any holder of a certificate; or

(5) Failure of a holder of a certificate to equip and maintain any motor vehicle used as a taxicab with any equipment, appliances, or devices required by any local, state or federal statute or regulation.

When the city council shall have reason to believe that any certificate should be modified, suspended or revoked, such action may be considered after giving the certificate holder five (5) days notice prior to any regular or special meeting. Such notice may be served upon the certificate holder either by registered letter or by a member of the police division of the City of Union City. (1963 Code, § 5-405)

9-406. Taxicab permit and fees--number and name to be printed on cab. An annual fee of thirty dollars ($30.00) payable in advance to cover the cost of issuance, shall be paid for each taxicab permit issued hereunder, such permit being required for any taxicab operated upon the streets of Union City. Such fee shall be in addition to the regular city auto tag fee. The permits shall be issued by the city clerk in serial order. The number of the taxicab permit shall be painted in fast colors on each side of the taxicab with numerals not less than six (6) inches in height. Also, each taxicab shall have on each side in letters readable from a distance of twenty (20) feet, the name of the holder of the permit. It shall be unlawful for any person to drive any motor vehicle upon the streets of Union City with numbers, letters or names, painted upon its sides or elsewhere, indicating to the general public that such vehicle is a taxicab, unless in fact, a taxicab permit has been issued for said vehicle. (1963 Code, § 5-406)

9-407. Taxicab license, inspection, sanitation and mechanical requirements. No taxicab shall be operated on or over the streets of Union City unless it bears a duly issued state taxi license, has been inspected, and the owner of said taxicab has received from the city clerk of Union City a "certificate of inspection," when said taxicab mechanically and otherwise complies with the provisions of this chapter. In the event of any unfavorable inspection report, the owner of the taxicab, upon application, will be given fifteen (15) days, or such other reasonable time as the city clerk may designate, to improve said taxicab, whereupon another inspection shall be held. However, until such further inspection the taxicab shall not be operated upon the streets of Union City.

It shall be unlawful for any taxicab to operate in Union City unless it is equipped with four (4) wheel brakes, front and rear lights, tires, horn, muffler, rear vision mirror, windshield washer and wiper, each in good condition; and is equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such door may be operated by the passenger from the inside of the cab without the intervention or assistance of the driver; and unless the motor and all mechanical functions are kept in such condition of repair as may be reasonably necessary to provide for the safety of the public, and the continuous and satisfactory operation of the taxicab. Every taxicab shall at all times be kept in a clean and sanitary condition. Nothing

herein shall be held to prevent inspections of taxicabs at such other times and places as the city clerk or chief of police may direct. (1963 Code, § 5-407)

9-408. Insurance requirements. No taxicab permit shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of fifty thousand dollars ($50,000) combined single limits or its equivalency for damages in any one accident. The insurance policy required by this section shall be approved by the city clerk and city attorney and shall contain a provision that it shall not be cancelled except after at least five (5) days written notice is given by the insurer to both the insured and the city clerk of Union City.

The insurance policy required herein shall be written and the premiums therefor shall be paid, so as to cover a period of not less than one year from the date of issuance.

The policy shall provide that the insolvency or bankruptcy of the insured shall not relieve the company from the payment of damages for injuries or death sustained, nor loss occasioned, within the provisions of the policy and the prepayment of any judgment that may be covered against the insured upon any claim by such policy shall not be a condition precedent to any right of action against the company upon the policy. The company shall be bound to the extent of its liability under the policy and shall pay and satisfy such judgment. An action may be maintained upon any judgment by the injured person, or his or her heirs or personal representatives, as the case may be, to enforce the liability of the company as therein set forth. (Ord. #10-89, May 1989)

9-409. License required for taxicab drivers. No person shall drive a taxicab or be hired or permitted to do so unless he is in possession of a valid Tennessee Chauffeur License. (1963 Code, § 5-409)

9-410. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to:

(1) Be under the influence of, or to drink any intoxicating beverage or beer, or to use or be under the influence of any controlled substance, or;

(2) To use or be under the influence of any medication or debilitating substance which impairs his ability to safely operate a vehicle, or;

(3) To operate any taxicab when suffering any physical impairment which limits his ability to safely operate such vehicle. (1963 Code, § 5-410)

9-411. Route of cab--additional passengers. The driver of any taxicab operating upon the streets of Union City shall always take his passenger to his destination by the most direct available route from the place where the passenger enters the cab. No person shall be admitted to a taxicab already occupied by a passenger without the consent of the passenger. (1963 Code, § 5-411)

9-412. <u>Rates and fares</u>. The charge for transportation of passengers within the city limits of Union City shall be four dollars ($4.00) for one passenger and two dollar ($2.00) for each additional passenger if picked up and discharged at the same place. (Ord. #6-02, Dec. 2001)

9-413. <u>Soliciting passengers prohibited</u>. A taxicab driver shall not solicit passengers for hire or cruise upon the streets of Union City for the purpose of obtaining patronage for his taxicab.

(1) The term solicit as used herein means:

(a) Obtaining patronage;

(b) Calling attention to taxicab service;

(c) Inviting business or customers by word of mouth, signals, nods or other actions.

(2) The term cruise as used herein means: moving about the streets of the city, either indiscriminately or between fixed points; provided, however, that taxicabs shall be permitted to receive or discharge passengers at public places or gatherings such as theaters, railroad stations, bus stations, ball parks and the like.

No taxicab driver or operator shall, in any manner or form whatever, directly or indirectly, solicit the patronage of persons who have assembled for the purpose of becoming passengers upon any bus line or public utility authorized to transport passengers in the city. (1963 Code, § 5-413)

9-414. <u>Parking taxicabs</u>. No taxicab driver shall park any taxicab upon the public streets of Union City, except when expeditiously picking up and/or discharging passengers. At all other times he shall park on the premises owned or leased by the taxicab company. (1963 Code, § 5-414)

9-415. <u>Violations</u>. Any person, firm or corporation, whether as owner, driver, agent or employee, operating a vehicle upon the streets and alleyways of Union City in violation of this chapter or otherwise violating any provision of this chapter shall be guilty of a misdemeanor and punishable under the general penalty clause for this code. (1963 Code, § 5-415)

CHAPTER 5

MECHANICAL AMUSEMENT DEVICES, BILLIARDS, ETC. AND MINORS

SECTION

9-501. Minors in certain premises after curfew.

9-501. Minors in certain premises after curfew. It shall be unlawful for any owner, operator, manager or person in charge of any fair, amusement park, theme park, restaurant, cafe, filling station, bar, tavern, hotel, motel, drug store, bowling alley, theater, skating rink or any other store, establishment, place of business, or otherwise to allow any person under the age of eighteen (18) years to play or operate after hours of any curfew imposed by this code, any game of miniature football, golf, baseball, pinball machine and all other mechanical amusement devices; games of billiards, bagatelle, pool or other games requiring the use of cue and balls, whether made playable by mechanical devices or otherwise or whether the charge for playing is collected by mechanical devices, unless accompanied by a parent, guardian or other adult person having lawful custody of such minor.

It shall be the responsibility of the owner, operator, manager or person in charge of any such establishment or place of business to ascertain or determine the age of any player. Ignorance of the players' age or misinformation relative thereto shall not excuse any such owner, operator or person in charge. (1963 Code, § 5-501)

CHAPTER 6

BILL POSTERS

SECTION

9-601. "Bill posting" defined.
9-602. Bills not to be posted on city property.
9-603. Requirements for posting on private property.
9-604. Permit from building inspector required.
9-605. Fee for permit.
9-606. Bond required before issuance of permit.
9-607. Rubbish, etc., to be removed.
9-608. Pasting of paper or cloth signs.
9-609. Pasting advertisements on show windows.
9-610. Removal of advertisements by city.
9-611. Posting of offensive advertisements.

9-601. "Bill posting" defined. "Bill posting" is defined as the posting, pasting, tacking, tying or in any manner affixing any bill, document, notice, placard, poster or any advertising or similar matter on any object or structure. (1963 Code, § 5-601)

9-602. Bills not to be posted on city property. It shall be unlawful for any person to do any bill posting on the exterior surface of any building, fence, post or other structure or property owned or occupied by, or within the exclusive control of the city or any of its departments, divisions or boards. (1963 Code, § 5-602)

9-603. Requirements for posting on private property. It shall be unlawful for any person to do any bill posting on the exterior surface of any privately owned building, fence, post, pole, or other structure or property within the city without the previous written consent of the owner or lessee of said property, and without posting or affixing plainly on or near the margin of said posted material, the name of the person, firm, association or corporation doing such posting. (1963 Code, § 5-603)

9-604. Permit from building inspector required. Any person having secured written permission from the property owner to post any bill, as provided by § 9-603, shall present such written permission, with a written application for a permit to the building inspector and shall secure from him a permit to place or affix such advertisement. The application shall give the location of the premises where the advertisement is to be placed and state the length of time it is desired for it to remain in place, and it shall state the size and material of which the placards or posters are to be made. The number of placards to be

posted at any location, the size and material of same and the length of time they shall remain in place shall be determined by the building inspector according to the character, material and purpose of such advertisements. The length of time such advertisement matter may remain affixed shall be stipulated in the permit.

Such special permits shall not be required from licensed bill posters or advertising companies posting advertisement matter on bulletin boards owned or leased by them, for the erection of which permits have been secured in accordance with the building code and zoning ordinance.

Nothing in this chapter shall be construed as affecting or prohibiting the right of the owner or lessee of any building to advertise thereon the merchandise or services which are offered for sale in such building. (1963 Code, § 5-604)

9-605. Fee for permit. The minimum fee for any permit required by this chapter shall be one dollar ($1.00) when the cost of such advertising matter, including the cost of posting or affixing same does not exceed one hundred dollars ($100.00); two dollars ($2.00) when it does not exceed five hundred dollars ($500.00); three dollars ($3.00) when it does not exceed one thousand dollars ($1,000.00); and two dollars ($2.00) for each additional one thousand dollars ($1,000.00) or fraction thereof, when the total amount exceeds one thousand dollars ($1,000.00).

Within the scope of the charges as provided in the preceding paragraph, a single permit may embrace one or more locations when the advertisement matter to be affixed at such different locations is alike in form, character and material, and all is to be affixed for one individual, and is to be removed within the same period of time. This provision shall apply only to small posters or placards of a temporary nature. (1963 Code, § 5-605)

9-606. Bond required before issuance of permit. Before issuing any such bill posting permit the building inspector shall require of the applicant a bond in the sum of one hundred dollars ($100.00), satisfactory to and in such form as provided by the building inspector, assuring the city that such advertisement permitted to be placed or affixed shall be removed in the time specified in the permit, and that the provisions of this chapter will be observed according to its intent. (1963 Code, § 5-606)

9-607. Rubbish, etc., to be removed. It shall be unlawful for any person, either in person or by agent or servant, having obtained permission or authority to post bills and placards as required in this chapter, and/or for the owner or lessee of such property, having granted such permission for the posting, pasting or affixing of advertisements on his property, to leave paper, paste, rubbish or other unsanitary, unsafe or unhealthful refuse or debris or to allow the accumulation of paper, paste, rubbish or other unsanitary, unsafe or unhealthful refuse or debris behind, around or adjacent to the billboards and at places where bills, posters and placards are affixed, but shall keep and maintain

the premises adjacent to billboards and places where bills, posters and placards are affixed in a clean, sanitary, healthy and safe condition. (1963 Code, § 5-607)

9-608. Pasting of paper or cloth signs. The pasting of paper or cloth signs direct on fences or buildings is prohibited. (1963 Code, § 5-608)

9-609. Pasting advertisements on show windows. The pasting of bills or posters on show windows or on the glass in show windows of buildings, except a small lease, rent or sale sign, is prohibited. (1963 Code, § 5-609)

9-610. Removal of advertisements by city. Any advertisement, placard or poster which has remained in place for the period of time specified in the permit, and which has not been removed in accordance with the terms of the permit, may be removed by the city and the expense of such removal charged against the bond herein provided for. If upon notice to the principal and surety on the bond, such amount so expended by the city is not paid within a period of ten (10) days, the claim shall be turned over to the city attorney and there shall be collected in addition to the amount so expended by the city an additional fee or penalty of ten dollars ($10.00). (1963 Code, § 5-610)

9-611. Posting of offensive advertisements. The posting in any conspicuous place of any board, sign, or advertisement which shall be indelicate or offensive to persons passing on the streets or highways, or otherwise offensive to public decency is prohibited. It is hereby made the duty of the police of the city to take down and remove all such advertisements and to arrest all persons found to be replacing them. (1963 Code, 5-611)

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under franchise.

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

---

[1]For complete details relating to the cable television franchise agreement see Ord. #7-02, and any amendments, in the office of the city clerk.

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS, CATS, ETC.

CHAPTER 1

IN GENERAL

SECTION

10-101. Keeping within the city prohibited generally.
10-102. Cruel treatment prohibited.

10-101. Keeping within the city prohibited generally. It shall be unlawful for any person to keep within the corporate limits any cows, swine, sheep, rabbits, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic or game fowl, cattle or livestock. (1963 Code, § 3-101)

10-102. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1963 Code, § 3-102)

CHAPTER 2

DOGS, CATS, ETC.

SECTION

10-201. Definitions.
10-202. Vaccination required.
10-203. License certificates, tags and fees.
10-204. Enforcement, impoundment, etc.
10-205. Costs for maintenance and disposition of unclaimed animals.
10-206. Quarantine of animals.
10-207. Cruelty to animals--misdemeanor.
10-208. Running at large.
10-209. Noisy animals prohibited.
10-210. Concealing animals kept in violation of this chapter.
10-211. Impounding, destruction of violating animals, authorized.
10-212. Limitations on chaining or tethering.
10-213. Vicious animals prohibited.
10-214. Procedure for determining that an animal is vicious.
10-215. Impoundment of vicious animal.
10-216. Proceedings in circuit court.
10-217. Guard dogs.
10-218. Penalties.

10-201. Definitions. Where the following words are used in this chapter they shall have the following meanings:

(1) "Animal." All animals three (3) months or more of age customarily vaccinated against the disease of rabies. This shall include, but not be limited to, members of the canine and feline species.

(2) "Owner." Any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care or acts as its custodian, or who permits an animal to remain on or about any premises occupied by such person.

(3) "Inoculation." The subcutaneous injection at one (1) time, but in several sites if necessary, of not less than five (5) ml. of a killed anti-rabies vaccine for animals, which vaccine meets the standards prescribed by the United States Department of Agriculture for interstate sale.

(4) "Vicious animal." Any animal which:

(a) Approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways, including streets and sidewalks, or any public or private property; or

(b) Has a known propensity, tendency, or disposition to attack, inflict injury to or to otherwise endanger the safety of persons or other animals; or

(c) Without provocation, bites or inflicts injury or otherwise attacks or endangers the safety of any person or other animals; or

(d) Is trained for dog fighting or which is owned or kept primarily or in part for the purpose of dog fighting.

(5) "Confined." Securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such animal.

(6) "Securely enclosed and locked pen or structure." A fenced-in area that shall be a minimum of five feet (5') wide, ten feet (10') long, and five feet (5') in height above grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting the posts. The floor shall be at least three inches (3") of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least one foot (1') below grade. The gate must be of the same materials as the fencing, fit securely, and be kept securely locked. The owner shall post the enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous animal on the property. The enclosure shall contain and provide protection from the elements for the animal.

(7) "Physical restraint." A muzzle and a leash not to exceed six feet (6'). The leash must be controlled by an adult physically capable of controlling such animal. The muzzle must not cause injury to the animal.

(8) "Muzzle." A device, constructed of strong, bite-resistant material, which fastens over the mouth of an animal so as to prevent it from biting any person or other animal.

(9) "At large." The term "at large" or "running at large" shall be intended to mean off the fenced or electronically controlled premises of the owner, or not under control of the owner.

(10) "Control." The term "control" shall mean that the animal must be on a leash, cord or chain secured to the hand of the owner, or other qualified person. (1963 Code, § 3-201, as amended by Ord. #2-94, July 1993, and replaced by Ord. #81-09, May 2009)

10-202. **Vaccination required**. It shall be unlawful for any person to own, keep or harbor any animal which has not been vaccinated against rabies as required by this chapter or by the rules and regulations promulgated under its authority. Vaccination required by this chapter is recommended for any animal at three (3) months of age and is required at six (6) months of age. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be revaccinated, description and sex of the animal vaccinated, type and lot number of vaccine administered and the signature of

the person administering the vaccine. The certificate shall be prepared in duplicate, with the original being given to the owner, copy retained by the person administering the vaccine. The certificate shall be in the form prepared and distributed by the state department of public health. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee.

Every animal owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the animal vaccinated; provided, that the collar may be removed in case of hunting dogs while going to or returning from a hunt or change. However, nothing herein shall be construed as permitting the use of an unvaccinated dog for a hunt, chase or otherwise.

It shall be unlawful to transfer the metal tag or other evidence of vaccination to any other animal. (1963 Code, § 3-202, as replaced by Ord. #81-09, May 2009, and Ord. #122-13, March 2013)

10-203. **License certificates, tags and fees**. The owner of each animal kept within the corporate limits of Union City shall take the certificate of the veterinarian showing the animal has been vaccinated for rabies to the city clerk of the City of Union City and shall secure a certificate from the city and serially numbered license tag which tag shall be fastened to the collar of the animal. This tag will be issued only upon evidence of the vaccination and upon the payment of a license fee of one dollar ($1.00) if said animal be male or a spayed female, two dollars ($2.00) if said animal be an unspayed female, or ten dollars ($10.00) for a kennel of five (5) or more breeding or hunting animals kept on the premises of any one (1) individual. The license tag shall be secured annually on or before the first day of April.

Upon presentation by the owner of the city certificate covering any tag originally issued and lost, a new tag and a certificate marked "duplicate" and setting forth the number of the new tag will be issued upon payment of a fifty cent (50¢) fee. It shall be unlawful to transfer a license tag issued for a particular animal to another animal. Any person violating any of the provision of this section shall be subject to a fine under the general penalty clause of this code. (1963 Code, § 3-203, as replaced by Ord. #81-09, May 2009)

10-204. Enforcement, impoundment, etc. The director of the department of animal control and other city employees working under the direction and supervision of the director of the department of animal control, and all police officers and all other authorized city employees working under the direction and supervision of the chief of police shall be charged with the enforcement of this chapter and it shall be their duty to take charge of any animal at large or running at large, or any animal which is kept in violation of this chapter and they shall convey the same to a designated city pound. There, such animal shall be fed, watered, and otherwise cared for during a period of not

less than seven (7) days unless redeemed earlier by its owner. In addition to all other fines and penalties provided by this chapter, any impounded animal may be redeemed by its owner, excepting vicious animals, upon payment to the city for each animal so seized and impounded, the impoundment penalty of ten dollars ($10.00) for the first impoundment of an animal owned by him, and an impoundment penalty of twenty-five dollars ($25.00) for the second impoundment of an animal owned by him, and an impoundment penalty of fifty dollars ($50.00) for the third impoundment of an animal owned by him and all subsequent impoundments of an animal owned by him. In addition to the impoundment fee, such owner shall also pay a boarding fee, as assessed by the owner of the pound, per day for each day or fraction thereof the animal remains unclaimed. If the animal so seized has not been vaccinated, the owner shall, before he is permitted to regain possession of such animal, have such animal vaccinated and licensed and present the license registration to the city.

The payment of the fees as set forth herein, however, shall not relieve the owner from any other penalty for violation of this chapter.

The impounding officer shall, not later than the day following the impounding of an animal, serve written notice upon the owner thereof, if known, by mail or in person. If such owner is unknown, the animal and safety control officer shall post a notice describing the impounded animal at the designated city pound. If after a period of seven (7) days from the date of service or posting of such notices the animal is not redeemed in the manner set forth herein, it shall be humanely destroyed or otherwise disposed of in the public interest.

Whenever any individual shall apply to the city for permission to adopt or buy any impounded animal remaining unclaimed, the city may sell to the individual such unclaimed animal or surrender such animal to the individual for adoption upon the payment of the fees as set forth herein.

For the purpose of enforcing this chapter, the animal and safety control officer, police officers and all other authorized city employees, are authorized to go upon private property, if necessary, to pick up any animal. (1963 Code, § 3-204, as replaced by Ord. #81-09, May 2009, and amended by Ord. #107-12, April 2012, and Ord. #139-14, June 2014)

10-205. <u>Costs for maintenance and disposition of unclaimed animals</u>. When animals are picked up under provisions of this chapter and held in the city pound for a period of seven (7) days and the owner of said animal is unknown, the costs for the maintenance and disposition of such animals shall be borne by the city, under arrangements to be made between the city and the operator of the designated city pound. (Ord. #7-98, April 1998, as replaced by Ord. #81-09, May 2009, and amended by Ord. #107-12, April 2012)

10-206. <u>Quarantine of animals</u>. In all cases where an animal has bitten, scratched, or broken the skin of a human being, the animal shall be confined at the animal clinic, animal control facility or other confinement

approved by the animal and safety control officer for a period of not less than ten (10) days. The owner of the animal shall bear the expense of its upkeep for the period of confinement. For the purpose of enforcing this section, the animal and safety control officer is authorized to go upon private property, if necessary, to pick up any animal known to have bitten, scratched, or broken the skin of a human being. (Ord. #2-94, July 1993, as replaced by Ord. #81-09, May 2009, and Ord. #122-13, March 2013)

10-207. Cruelty to animals--misdemeanor. If any person shall willfully, wantonly and knowingly torture, torment, deprive of necessary sustenance, cruelly beat or needlessly mutilate, or wound any domestic animal, or willfully or maliciously administer poison to any such animal, or offer or expose to such animal any poisonous substance with the intent that the same should be taken shall, for every such offense be guilty of a misdemeanor and subject to fine under the general penalty clause of this chapter. (1963 Code, § 3-207, as replaced by Ord. #81-09, May 2009)

10-208. Running at large. No animal whether licensed or not, shall be allowed to run or be at large within the city, unless such animal is on a leash in the hands of a personal mentally and physically capable of managing it, so that it shall not bite or injure any person or animal, or damage any property. (1963 Code, § 3-208, as replaced by Ord. #81-09, May 2009)

10-209. Noisy animals prohibited. No person shall own, keep or harbor any animal which, by causing frequent or long continued noise, annoys or disturbs the peace and quiet of any neighborhood. (1963 Code, § 3-209, as replaced by Ord. #81-09, May 2009)

10-210. Concealing animals kept in violation of this chapter. Any person who shall hide, conceal, or aid or assist in hiding or concealing any animal owned, kept, or harbored in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined under the general penalty clause for this code. (1963 Code, § 3-210, as replaced by Ord. #81-09, May 2009)

10-211. Impounding, destruction of violating animals, authorized. Personnel operating under the supervision of the chief of police shall take up and impound any animal found running at large in violation of § 10-208 of this code; provided, that if any animal so found is sick, injured or of a vicious nature, such personnel may humanely destroy such animal immediately. If, in the attempt to seize any animal, it becomes impossible to secure it with the hands, such personnel, if convinced that the seizure of the animal is necessary to the public welfare and safety, may destroy it by shoot it, providing he is close enough to the animal to kill it humanely and so far removed from any bystander

that no human life may be imperiled by the act. (1963 Code, § 3-211, as replaced by Ord. #81-09, May 2009)

10-212. Limitations on chaining or tethering. No animal shall be chained, tethered, trolleyed or under wireless control so that it interferes with mail delivery or any utility service personnel such as but not limited to gas, water, electric, telephone or cable/satellite television employees. Unless an approved physical barrier is present on the owner's property, no animal that is chained, tethered, trolleyed or under wireless control may have access within six feet (6') of the property line or public access such as sidewalks, alleys or streets. It shall be unlawful to restrain an animal by chain, tether or trolley to a fixed point for more than eight (8) hours in any 24-hour period. The chain, tether or trolley shall be attached to a properly fitting collar or harness worn by the animal. The chain, tether or trolley shall be adequate in size and strength to safely restrain the animal. Animals may be exclusively restrained by a chain or tether provided that it is at least ten feet (10') in length, with swivels on both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet (10') in length and mounted at least four feet (4') and no more than seven feet (7') above ground level in a manner so as not to interfere or become entangled with objects on the property. Any tethering system employed shall not allow the animal to leave the owner's property. No chain or tether shall weigh more than one-eighth (1/8) of the animal's body weight. No animal shall be confined or restrained in an area where bare earth is prevalent and no steps have been taken to prevent the area from becoming saturated harming the animal by standing in mud. Any animal chained, tethered or trolleyed to a fixed point shall be supplied with adequate food, water and shelter and shall be under direct supervision of the animal's owner. Wireless fence collars shall be properly fitted and the system maintained properly. Any animal which leaves the owner's property is in violation of this section. Any animal found in violation of this section is subject to seizure, impoundment and humane destruction as provided in § 10-204 and the owner subject to fees and penalties provided in §§ 10-204 and 10-218. (1963 Code, § 3-212, as replaced by Ord. #81-09, May 2009, and Ord. #122-13, March 2013)

10-213. Vicious animals prohibited. It shall be unlawful for any person to keep or harbor a vicious animal within the corporate limits of the City of Union City unless said vicious animal is confined in compliance with this chapter. (1963 Code, § 3-213, as replaced by Ord. #81-09, May 2009)

10-214. Procedure for determining that an animal is vicious.

(1) Upon the complaint of the animal control officer alleging an animal to be vicious, or upon the receipt of such complaint signed by one (1) or more residents of Union City, the chief of police or his designee shall hold a hearing within five (5) days of serving notice to the animal owner. The purpose of the

hearing shall be to determine whether such animal is, in fact, vicious. The owner shall be notified by a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard.

(2) In making the determination as to whether an animal is vicious, the chief of police or his designee shall consider, but is not limited to, the following criteria:

(a) Provocation;
(b) Severity of attack or injury;
(c) Previous aggressive history of the animal;
(d) Observable behavior of the animal;
(e) Site and circumstances of the incident;
(f) Age of the victim;
(g) Statements from witnesses and other interested parties;
(h) Reasonable enclosures already in place;
(i) Height and weight of the animal.

(3) Within five (5) days of the hearing the chief of police or his designee shall determine whether to declare the animal vicious and shall within five (5) days after such determination notify the owner by certified mail of the animal's designation as a vicious animal and the specific restrictions and conditions for keeping the animal. If the animal is declared vicious, its owner shall confine the animal within a secure enclosure and whenever the animal is removed from the secure enclosure it shall be physically restrained, as defined in this chapter. The owner of the vicious animal shall notify residents of all abutting properties, including those across the street, of such findings. This notice to occupants of abutting properties shall be by certified mail, return receipt requested, and shall be at the owner's sole expense.

(4) No animal shall be declared vicious if the threat, injury, or damage was sustained by a person who:

(a) Was committing a crime or willful trespass or other tort upon the premises occupied by the owner of the animal; or

(b) Was teasing, tormenting, abusing, assaulting or provoking the animal; or

(c) Was committing or attempting to commit a crime.

No animal shall be declared vicious at the result of protecting or defending a human being, any other animal, or itself against an unjustified attack or assault. (1963 Code, § 3-214, as replaced by Ord. #81-09, May 2009)

10-215. <u>Impoundment of vicious animal</u>. Any vicious animal not in compliance with the provisions of this chapter is subject to seizure, impoundment, and humane destruction as provided in § 10-204 and the owner subject to fees and penalties provided in §§ 10-204 and 10-218. (as added by Ord. #81-09, May 2009)

10-216. Proceedings in circuit court. The City of Union City may refer appropriate cases to the District Attorney General to petition the circuit court for an order of destruction pursuant to Tennessee Code Annotated, § 44-17-120. (as added by Ord. #81-09, May 2009)

10-217. Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in any area of the City of Union City for the protection of persons or property unless the following provisions are met:

(1) The guard dog shall be confined; or

(2) The guard dog shall be under the direct and absolute control of a handler at all times when not confined; and

(3) The owner of other person in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one (1) such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day. (as added by Ord. #81-09, May 2009)

10-218. Penalties. Any person violating any provisions of this chapter upon conviction shall be fined fifty dollars ($50.00) and each day of violation shall be deemed a separate offense. (as added by Ord. #81-09, May 2009)

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER

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

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted.

(1) All offenses defined by the Tennessee Code Annotated as offenses against the state are offenses against the City of Union City and all of such offenses are misdemeanors.

(2) Unless otherwise provided in the city code and/or by ordinance, all offenses declared unlawful by city ordinance or by the city code are misdemeanors. The term "city code" as used in this chapter means the Union City Municipal Code.

(3) All misdemeanors shall be subject to a monetary penalty of not more than fifty dollars ($50.00).

---

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

(4) If an offense continues from day to day, each day shall constitute a separate offense.[1] (Ord. #14-96, April 1996, modified)

---

[1]State law reference
Tennessee Code Annotated: §§ 39-1-103 and 39-1-104.

CHAPTER 2

ALCOHOL[1]

SECTION

11-201. Drinking beer, etc., on streets, etc.
11-202. Minors in beer places.

11-201. 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. (1963 Code, § 10-228)

11-202. Minors in beer places. It shall be unlawful for the management of any place where beer is sold to allow any minor to loiter in or around, work in, make a purchase in or otherwise be in any place where beer is sold at retail for consumption on the premises unless accompanied by parents or eating food in a restaurant with service predominantly oriented to food. The burden of ascertaining the age of minor customers shall be upon the owner, operator and/or employee of such place of business. (1963 Code, §10-222)

---

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

CHAPTER 3

FORTUNE TELLING, ETC.

SECTION

11-301. Fortune telling, etc.

11-301. 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. (1963 Code, § 10-234)

CHAPTER 4

OFFENSES AGAINST THE PERSON

SECTION

11-401. Assault and battery.

11-401. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1963 Code, § 10-201)

CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-501. Disturbing the peace.
11-502. Anti-noise regulations.

11-501. 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. (1963 Code, § 10-202)

11-502. 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, streetcar, or other 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 persons 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, streetcar, 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 therefor is secured from the city clerk. 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. (1963 Code, § 10-233)

CHAPTER 6

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-601. Escape from custody or confinement.
11-602. Impersonating a government officer or employee.
11-603. False emergency alarms.
11-604. Resisting or interfering with a police officer.
11-605. Coercing people not to work.

11-601. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1963 Code, § 10-209)

11-602. 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. (1963 Code, § 10-211)

11-603. False emergency alarms. It shall be unlawful for any person to intentionally 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. (1963 Code, § 10-217)

11-604. Resisting or interfering with a police officer. It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any police officer while the latter is in the discharge or apparent discharge of his duty. (1963 Code, § 10-210)

11-605. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1963 Code, § 10-230)

CHAPTER 7

FIREARMS, WEAPONS AND MISSILES

SECTION

11-701. Air rifles, etc.
11-702. Throwing missiles.
11-703. Weapons and firearms generally.

11-701. 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. (1963 Code, § 10-213)

11-702. Throwing missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1963 Code, § 10-214)

11-703. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1963 Code, § 10-212, modified)

CHAPTER 8

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-801. Trespassing.
11-802. Trespassing on trains.
11-803. Trespassing on business or shopping center parking lots.
11-804. Malicious mischief.
11-805. Interference with traffic.

11-801. Trespassing. (1) The owner or person in charge of any privately owned lot or parcel of land or building or other structure within the corporate limits may post the same against trespassers;

(2) Notice of posting shall be by one and not more than five signs prominently displayed on the property;

(3) It shall be a misdemeanor 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;

(4) It shall be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person who fails or refuses to leave a privately owned lot or parcel of land or building or other structure upon the request of the owner or person in charge or occupant thereof; and

(5) It shall be a misdemeanor for a peddler, canvasser, solicitor, transient merchant, or other person to fail or refuse to leave a privately owned lot or parcel of land or building or other structure upon the request of the owner, person in charge, or occupant thereof. (1963 Code, 10-236)

11-802. 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. (1963 Code, § 10-221)

11-803. Trespassing on business or shopping center parking lots.

(1) Trespassing on business or shopping center parking lot defined. For the purpose of administering this section, a person commits "trespass" who, knowing the person does not have the owner's effective consent to do so, enters or remains on a business or shopping center parking lot, or portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by:

(a) Fencing or other enclosure obviously designed to exclude intruders; or

(b) Posting of a sign reasonably likely to come to the attention of the intruders, such sign stipulating the days or times when the parking lot is closed to the public.

(2) Defense to prosecution for trespass. It is a defense to prosecution under this section that:

(a) The property was open to the public when the person entered and remained; and

(b) The person's conduct did not substantially interfere with the owner's use of the property; and

(c) The person immediately left the parking lot upon request by the owner, the owner's agent, or a law enforcement official.

(3) Property owner to provide notice to police chief. The Union City Police Chief shall not enforce this section at any privately owned parking lot unless and until the owner of such lot has provided a signed, written notification to the police chief containing the following information:

(a) The address or location of the parking lot.

(b) The days or times of day when the parking lot is to be closed to the public.

(4) Trespass prohibited. It shall be unlawful for any person or group of persons to enter upon the parking lot of any business or shopping center in violation of this section.

11-804. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1963 Code, § 10-225)

11-805. 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. (1963 Code, § 10-232)

CHAPTER 9

MISCELLANEOUS

SECTION

11-901. Abandoned refrigerators, etc.
11-902. Caves, wells, cisterns, etc.
11-903. Posting notices, etc.
11-904. Curfew for minors.
11-905. Use of water from fire plugs.
11-906. Graham park; use of.
11-907. Disposal of waste in city declared a misdemeanor.
11-908. Disorderly houses.
11-909. Immoral conduct.
11-910. Obscene literature, etc.
11-911. Indecent exposure or dress.
11-912. Window peeping.
11-913. Gambling.
11-914. Promotion of gambling.
11-915. Basketball goals, etc., in public right-of-ways.
11-916. Public drunkenness.

11-901. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1963 Code, § 10-223)

11-902. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1963 Code, § 10-231)

11-903. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1963 Code, § 10-226)

11-904. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless upon a legitimate errand or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (1963 Code, § 10-224)

11-905. Use of water from fire plugs. No person shall use the water from, or otherwise tamper with, any fire plug unless he shall have first obtained permission from the city clerk. (1963 Code, § 10-235)

11-906. Graham park; use of. (1) It shall be unlawful for any person to enter or use Graham Park in any area west of the east side of the woods in the park between the hours of 11:00 P.M. or the conclusion of the last organized event in the park, depending on which last occurs, and sunrise. Walkers and joggers can use the jogging track at the east end of the park at all hours of the day and night.

(2) It shall be unlawful for any person to unlock or remove the gates at the Main Street and Church Street entrances to Graham Park except as directed by the director of parks, the chief of police or the city manager. (Ord. #6-93, Aug. 1992)

11-907. Disposal of waste in city declared a misdemeanor.

(1) Definitions. (a) The term "waste" as used herein, includes all forms of waste as defined in the Tennessee Solid Waste Disposal Act (Tennessee Code Annotated, § 68-31-101, et seq.) and the Solid Waste Management Act of 1991 and all definitions of waste, irrespective of form or classification as made in both acts, are incorporated herein by reference thereto as fully and completely as if copied; and

(b) The term "container", as used herein, is any receptacle including, but not limited to, paper bags, which holds waste.

(2) Prohibitions. It shall be unlawful for any person to:

(a) Dispose of waste by means of a publicly or privately owned container or dumpster within the City of Union City if the person does not pay to the city a sanitation fee with the water bill or contract for waste collection or disposal; or

(b) Dispose of waste by means of a publicly or privately owned container or dumpster for another person, partnership or corporation who does not pay to the city a sanitation fee with the water bill or contract for waste collection or disposal.

(3) Violation and penalty. Violation of this section shall be a misdemeanor, and punished by a fine of not less than $25.00 nor more than $50.00. (Ord. #3-92, Aug. 1991)

11-908. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1963 Code, § 10-203)

11-909. Immoral conduct. No person shall commit, offer or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (1963 Code, § 10-204)

11-910. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, selling or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed or filmed matter containing obscene language, prints, pictures or descriptions manifestly intended to corrupt the morals. (1963 Code, § 10-205)

11-911. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1963 Code, § 10-206)

11-912. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall he loiter around or within view of any such window with the intent of watching or looking through it. (1963 Code, § 10-207)

11-913. Gambling. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1963 Code, § 10-215)

11-914. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep or exhibit for the purpose of gambling, any gaming table, device, ticket or any other gambling paraphernalia. The police shall seize and destroy any such table, device, ticket or paraphernalia. (1963 Code, § 10-216)

11-915. Basketball goals etc. in public right-of-ways. (1) No portable or fixed basketball goal or other athletic equipment shall be placed, erected, or maintained on or along the right-of-way of any public street within the municipal limits of the City of Union City so as to allow a person or persons to play within the street. The placement of any basketball goal or other athletic

equipment within a public right-of-way or the presence of persons within a public street playing basketball or other games on such goal or other athletic equipment 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. #6-04, Jan. 2004)

11-916. <u>Public drunkenness</u>. It shall be unlawful for any person to be drunk in a public place or in any other places open to public view. (1963 Code, § 10-227)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. GAS CODE.
4. HOUSING CODE.
5. MECHANICAL CODE.
6. RESIDENTIAL ONE AND TWO FAMILY DWELLING CODE.
7. UNSAFE BUILDING ABATEMENT CODE.
8. PROPERTY MAINTENANCE CODE.
9. RENTAL PROPERTY INSPECTIONS.
10. [DELETED.]

CHAPTER 1

BUILDING CODE[1]

SECTION

12-101. Building code adopted.
12-102. Modifications.
12-103. Available in building inspector's office.
12-104. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-502, and for the purpose of regulating the construction, alteration, repair, use and 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,[2] 2006 edition, as recommended by the International Building Code 2006, is hereby adopted and incorporated by reference as a part of this code, and is

---

[1]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.

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

hereinafter referred to as the building code. (Ord. #15-02, June 2002, as replaced by Ord. #100-12, July 2011)

12-102. Modifications. The building code is hereby modified to delete the prescribed schedule of permit fees in Appendix "B" and to provide in lieu thereof that the building permit fee shall be in accordance with a schedule of fees as may be adopted from time to time by resolution of the mayor and city council. (1963 Code, § 4-102, as replaced by Ord. #100-12, July 2011)

12-103. Available in building inspector's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, two (2) copies of the building code with the above modifications have been placed on file in the building inspector's office and shall be kept there for the use and inspection of the public. (1963 Code, § 4-103, as replaced by Ord. #100-12, July 2011)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1963 Code, § 4-104, as replaced by Ord. #100-12, July 2011)

CHAPTER 2

PLUMBING CODE[1]

SECTION

12-201. Plumbing code adopted.
12-202. Permits, fees and licenses.
12-203. Enforcement.
12-204. Modifications.
12-205. Appeals.
12-206. Available in city clerk's office.
12-207. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 and for the purpose of regulating plumbing installation, including fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the International Plumbing Code,[2] 2006 edition, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #15-02, June 2002, as replaced by Ord. #100-12, July 2011)

12-202. Permits, fees and licenses. (1) Permits and fees. No property owner shall cause or permit, nor shall any person make any connection, alteration, installation, repair, fitting, or change any plumbing appliance or fixture, when such plumbing is or is to be connected with the municipal water or sewage system, until the person proposing to do the work shall have first obtained a permit therefor from the municipality.

There shall be charged a fee for each plumbing permit issued, such fee to be paid to the city clerk upon issuance of the permit, and such fee to include the cost of one (1) inspection to be made by the city inspector. Such permit and inspection fee shall be in accordance with a schedule of fees as may be adopted from time to time by resolution of the mayor and city council.

---

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

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

If any installation is rejected on final inspection, a fifty percent (50%) charge of the original inspection fee of the item rejected shall be collected for the additional inspection. The contractor and/or installer shall be responsible for the payment of this fee to the city clerk at the city hall prior to final approval by the city inspector.

(2) Licenses. No person shall engage in the business of making plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, until such person shall have taken and made a passing grade on a written examination for plumbers at the city hall; and until such person shall have paid the fees as may be provided, and shall hold a valid plumber's license.

Such examination and license fees shall be paid to the city clerk at the city hall upon the issuance of such license, and shall be in accordance with a schedule of fees as may be adopted from time to time by resolution of the mayor and city council.

If a license is allowed to expire without renewal, and remains expired for a period of six (6) months, and applicant for license shall be required to take another examination, and pay the fee as required of an original applicant.

(3) Suspension or revocation of license. The municipal board of examiners, upon the written complaint or recommendation of the city inspector, with the approval of the city manager, shall have the authority, in its discretion, to suspend or revoke a plumber's license for any violation of this chapter or of the plumbing code, and upon revocation of such license, no new license may be issued until the expiration of at least one (1) year from the date of such revocation. The person to whom the license has been issued shall be given at least seven (7) days notice, in writing stating the grounds upon which it is proposed, to suspend or revoke his license. The license may, within ten (10) days, file an appeal on the decision of the board to the mayor and city council. (1963 Code, § 4-202, as replaced by Ord. #100-12, July 2011)

12-203. Enforcement. The plumbing code shall be enforced by the city inspector. (1963 Code, § 4-203, as replaced by Ord. #100-12, July 2011)

12-204. Modifications. The city inspector shall have the power to modify any of the provisions of the plumbing code upon application in writing by the owner or his plumber or other duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed and public safety secured. The particulars of such modification when granted or allowed and the decision of the city inspector thereon shall be entered upon the records of the office of said inspector and a signed copy shall be furnished to the applicant. (1963 Code, § 4-204, as replaced by Ord. #100-12, July 2011)

12-205. Appeals. Whenever the owner or his plumber or other duly authorized agent shall claim that the provisions of the code do not apply or that the true intent of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of said inspector to the City Council of Union City. All such appeals shall be in writing. (1963 Code, § 4-205, as replaced by Ord. #100-12, July 2011)

12-206. Available in city clerk's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, two (2) copies of the plumbing code have been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1963 Code, § 4-206, as replaced by Ord. #100-12, July 2011)

12-207. Violations. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build or engage in plumbing activities in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of Union City or by a court of competent jurisdiction shall be guilty of a misdemeanor and shall be punished under the general penalty clause for this code of ordinances. (1963 Code, § 4-207, as replaced by Ord. #100-12, July 2011)

CHAPTER 3

GAS CODE[1]

SECTION

12-301. Fuel gas code adopted.
12-302. Availability of copies.
12-303. Gas permit required.
12-304. Violations.
12-305. Enforcement.
12-306. Fees.
12-307. License required.
12-308. License and examination fees.
12-309. Re-examination.
12-310. Suspension or revocation of license.
12-311. Allowing name or license to be used fraudulently.
12-312. Provisions not applicable under certain conditions.

12-301. Fuel gas code adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of regulating the installation of consumer's gas piping and gas appliances, etc., within the City of Union City, Tennessee, the International Fuel Gas Code,[2] 2006 edition, as recommended by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and shall hereinafter be referred to as the gas code. (Ord. #15-02, June 2002, as replaced by Ord. #100-12, July 2011)

12-302. Availability of copies. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, two (2) copies of the gas code have been placed on file in the office of the city clerk and shall be kept there for the use and inspection of the public. (1963 Code, § 4-402, as replaced by Ord. #100-12, July 2011)

12-303. Gas permit required. No property owner shall cause or permit, nor shall any person make any service connection, install, modify, or change any gas piping or any gas appliance or fixture within the municipality or its gas service territory until the person proposing to do the work shall have first

---

[1]Municipal code reference
Gas system administration: title 19, chapter 2.

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

obtained a permit therefor from the municipality. (1963 Code, § 4-403, as replaced by Ord. #100-12, July 2011)

12-304. **Violations**. It shall be unlawful and punishable under the general penalty clause for this code for any person to do or authorize any gas installation or repair work or to use any gas in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the gas code. (1963 Code, § 4-404, as replaced by Ord. #100-12, July 2011)

12-305. **Enforcement**. The city inspector shall enforce the provisions of this chapter and the gas code. He shall inspect the installation and/or modification or repair of all gas piping, connections, appliances, and fixtures. He may enter any building or premises at any reasonable time for the discharge of his duties. He shall not approve any gas piping installations, connection, repair, modification, or appliance which fails to meet the minimum of the inspection the city inspector shall notify the owner, his agent, or the occupant of the inspected property whether or not the inspection has been satisfactory. When the inspection reveals defective workmanship or material or any violation of this chapter or the gas code, written notice of the same shall be given by the inspector and he shall refuse gas service until the defects have been covered. (1963 Code, § 4-405, as replaced by Ord. #100-12, July 2011)

12-306. **Fees**. There shall be charged a fee for each gas permit issued, such fee to be paid to the city clerk upon issuance of the permit, and such fee to include the cost of one (1) inspection to be made by the city inspector. Such permit and inspection fees shall be in accordance with a schedule that may be adopted from time to time by resolution of the mayor and city council.

If an inspection requires gas, plumbing and electrical inspection and/or any combination of the three (3) for any one (1) installation, the charge shall be one and one-half (1 1/2) times the highest of any one (1) of the three (3) listed on the schedule of fees.

If an installation is rejected on final inspection, a fifty percent (50%) charge of the original inspection fee of the item rejected shall be collected for the additional inspection. The contractor and/or installer shall be responsible for the payment of this fee to the city clerk at the city hall prior to final approval by the city inspector. (1963 Code, § 4-406, as replaced by Ord. #100-12, July 2011)

12-307. **License required**. No person shall engage in or work at the business of installing, replacing, repairing, extending, relocating, or altering any system of pipe on the downstream side of gas meter for the conveyance, distribution or use of illumination or fuel gas, or connecting, repairing, replacing, installing, or maintaining any gas burning device connected to any gas system of gas piping in any building or structure in the City of Union City,

until such person shall have taken and made a passing grade on a written examination for gas fitters at the city hall, and until such person shall have paid the fees as may be provided, and shall hold a valid gas fitter's license. Any person engaged in the above described work shall be a qualified license holder or shall have continuously in his employment a qualified licensed person. Such requirements shall also apply to persons engaged in or working with undiluted liquefied petroleum gases (butane and propane). (1963 Code, § 4-407, as replaced by Ord. #100-12, July 2011)

12-308. License and examination fees. Fees shall be paid to the city clerk at the city hall upon the issuance of such license, and shall be in accordance with a schedule of fees that may be adopted from time to time by resolution of the mayor and city council.

If a license is allowed to expire without renewal and remains expired for a period of six (6) months, an applicant for license shall be required to take another examination and pay the fee as required of an original applicant. Any person holding a valid electrical or plumbing license from the City of Union City may take the examination for the gas fitter's license within ninety (90) days after the final adoption of the ordinance comprising this chapter and shall not be required to pay an additional examination and license fee. After said date all persons wishing to take the examination for the gas fitter's license shall pay in accordance with the schedule as set out. Any person qualifying under this provision shall pay upon the expiration of his gas fitter's license, the appropriate renewal fee. (1963 Code, § 4-408, as replaced by Ord. #100-12, July 2011)

12-309. Re-examination. Any person who fails to pass an examination as prescribed may apply for re-examination after the expiration of thirty (30) days upon payment of one-half (1/2) of the examination fee. (1963 Code, § 4-409, as replaced by Ord. #100-12, July 2011)

12-310. Suspension or revocation of license. Any person engaged in doing gas fitting work which does not conform to the applicable gas codes, or whose workmanship or materials are of inferior quality, shall on notice from the appropriate inspector make necessary changes or corrections at once so as to conform to the applicable code. If such work has not been corrected after ten (10) days notice from the inspector, the inspector shall then refuse to issue any more permits to such licensee until his work has fully complied with the applicable code. The municipal board of examiners, upon the written complaint or recommendation of the city inspector, with the approval of the city manager, shall have the authority, in its discretion, to suspend or revoke a gas fitter's license. When the suspension or revocation of any such license is to be considered at any meeting, the person to whom the license has been issued shall be given at least seven (7) days notice in writing of the time and place of such meeting, together with a statement of the grounds upon which it is proposed to

suspend or revoke his license. At such meeting, the licensee shall be allowed to appear in his own behalf, to be represented by counsel, and to present witnesses. If said license is revoked, no new license may be issued, until the expiration of at least one (1) year from the date of such revocation. The licensee may, within ten (10) days, file an appeal on the decision of the board to the mayor and city council. (1963 Code, § 4-410, as replaced by Ord. #100-12, July 2011)

12-311. Allowing name or license to be used fraudulently. (1) No person engaged in doing gas fitting work shall allow his name to be used by any other person, firm, or corporation, directly or indirectly, to obtain a permit, or for the construction of any work under his name or license nor shall he make any misrepresentation or omissions in his dealings with the city. Every person licensed shall notify the building department of the address of his place of business, if any, and the name under which such business is carried on and shall give immediate notice to the building department of any change in either.

(2) The person licensed is responsible for all work involving piping and fitting done on any premises for which a permit has been obtained.

(3) The person licensed shall receive and be responsible for permit applications and supervise all work authorized by such permit. (1963 Code, § 4-411, as replaced by Ord. #100-12, July 2011)

12-312. Provisions not applicable under certain conditions.

(1) The provisions of this chapter requiring licensing do not apply to an owner of residential property altering or repairing his own house, if occupied by the owner and not intended for sale. An owner of residential property may construct one (1) single family residence for his own use and occupancy without qualifying for a license, but the application for a building permit for construction of more than one (1) single family residence in a year's time shall be construed as engaging in the construction business and such an owner must secure a licence before the permit will be issued. Nothing herein shall release the owner-builder from the requirements of obtaining a permit.

(2) The following work may be performed for their employer by the regular employees of the utility company, who are regularly engaged in the distribution of gas, providing that all such work shall be performed under the supervision of the duly authorized official of such utility.

(a) Outside construction work.

(b) The installation and maintenance of underground services, service equipment, or metering equipment on consumer's premises, which is the property of the utility company.

(c) The installation and maintenance of equipment necessary for the operation of the utility, in central stations, sub-stations, plants or exchanges, owned or occupied by such public utility company.

(d) The installing, extending, replacing, altering, or repairing of consumers piping and appliances provided such work is duly

authorized by the officials of such utility. (1963 Code, § 4-412, as replaced by Ord. #100-12, July 2011)

CHAPTER 4

HOUSING CODE

SECTION

12-401. Housing code adopted.
12-402. Available in inspector's office.
12-403. Conditions of structure.
12-404. Housing inspector.
12-405. Rules and regulations.
12-406. Service of notices and orders.
12-407. Violations.

12-401. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of promoting and securing public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or buildings, structures or premises used as such, the Standard Housing Code,[1] 1997 edition, excluding the appendices, as recommended by the Southern Building Code Congress, is hereby adopted and incorporated by reference as part of this code and is hereinafter referred to as the housing code. (Ord. #15-02, June 2002, as replaced by Ord. #100-12, July 2011)

12-402. Available in inspector's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, three (3) copies of the housing code with modifications, have been placed on file in the housing inspector's office and shall be kept there for the use and inspection of the public. (1963 Code, § 4-502, as replaced by Ord. #100-12, July 2011)

12-403. Conditions of structure. All dwelling structures shall be watertight, weatherproof, rodent and insect-proof and in good repair.

Every foundation, exterior wall, and roof shall be reasonably watertight, weather-tight and rodent-proof and shall adequately support the building at all times and shall be kept in a workmanlike state of maintenance and repair.

Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy and shall be maintained in a workmanlike state of repair and in a clean and sanitary condition.

---

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

All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained as not to cause dampness in the walls, ceilings, floors or basements of dwellings.

Every window, exterior door and basement hatchway shall be reasonably weather-tight, watertight and rodentproof, and shall be maintained in sound condition and repair.

Every inside and outside stairway and every porch and appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be maintained in sound condition and repair.

Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in a sanitary working condition, free from defects, leaks and obstructions.

Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water, and such floor shall be kept in a clean and sanitary condition.

Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition. (1963 Code, § 4-503, as replaced by Ord. #100-12, July 2011)

12-404. <u>Housing inspector</u>. There is hereby created and established the office of the housing inspector, hereinafter referred to as the inspector, who will be appointed by the city manager.

The inspector or his duly authorized representative is hereby authorized, upon showing proper identification, to enter, examine, and survey at any reasonable time all dwellings, dwelling units, rooming units, and their premises located within the city. The occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the inspector or his representative free access to such dwellings, dwelling units, rooming units, and their premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agency or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purposes of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rules or regulations adopted or any lawful order issued pursuant to the provisions of this chapter. (1963 Code, § 4-504, as replaced by Ord. #100-12, July 2011)

12-405. <u>Rules and regulations</u>. The inspector is hereby authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this chapter provided that such rules and regulations shall not be in conflict with the provisions of this chapter. The inspector shall file a certified copy of all rules and regulations which he may

adopt in the office of the city clerk. Such rules and regulations shall have the same force and effect as the provisions of this chapter and the penalty for violations thereof shall be the same as the penalty for violations of the provisions of this code. (1963 Code, § 4-505, as replaced by Ord. #100-12, July 2011)

12-406. Service of notices and orders. (1) Whenever at least five residents of the city charge that any dwelling is unfit for human habitation, or whenever the inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant hereto, he shall give notice to the person or persons responsible therefor. Such notice shall:

(a) Be in writing.

(b) Include a description of the real estate sufficient for identification.

(c) Include a statement of the reason or reasons why the notice is being issued.

(d) Inform the violator of his right to petition for a hearing before the board of housing appeals, and specify that this petition must be received within twenty (20) days after the notice was served.

(e) Be served upon the owner, or the occupant, as the case may require provided, that such notice shall be deemed to be properly served upon such violator if a copy thereof is delivered to him personally or by registered mail. However, if the whereabouts of such person is unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, and the inspector shall make an affidavit to that effect, then the serving of such notice or order may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the county and circulating in the municipality in which the dwelling is located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the notice or order. A copy of such notice or order shall also be filed for record in the register's office of the county in which the dwelling is located, and such filing of notice or order shall have the same force and effect as the lis pendens notices provided by law.

(2) Such notice may include an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant hereto. (1963 Code, § 4-506, as replaced by Ord. #100-12, July 2011)

12-407. Violations. If a person upon whom a notice has been served does not:

(1) Within the specified period after the notice was served, commence compliance with the directives thereof, or

(2) Within the specified time, petition the board, or

(3) After the board's hearing, does not comply with the decision thereof, such person shall be guilty of a misdemeanor and shall be fined under the general penalty clause for this code. (1963 Code, § 4-507, as replaced by Ord. #100-12, July 2011)

CHAPTER 5

MECHANICAL CODE[1]

SECTION

12-501. Mechanical code adopted.
12-502. Modifications.
12-503. Available in building inspector's office.
12-504. License and permit required.
12-505. Violations.

12-501. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of regulating the construction, alteration, repair, use, occupancy and maintenance of every building or structure or any appurtenances connected or attached to any building or structure, the International Mechanical Code,[2] 2006 edition as recommended by the International Code Council, is hereby adopted and incorporated by reference as part of this code and is hereinafter referred to as the mechanical code. (Ord. #15-02, June 2002, as replaced by Ord. #100-12, July 2011)

12-502. Modifications. The mechanical code is hereby modified to delete the prescribed schedule of permit fees in Appendix B and to provide in lieu thereof that the permit fee shall be in accordance with a schedule as may be adopted from time to time by resolution of the mayor and city council. (1963 Code, § 4-602, as replaced by Ord. #100-12, July 2011)

12-503. Available in building inspector's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, two (2) copies of the mechanical code, with the above modifications, have been placed on file in the building inspector's office and shall be kept there for the use and inspection of the public. (1963 Code, § 4-603, as replaced by Ord. #100-12, July 2011)

12-504. License and permit required. No person, firm or corporation shall do or cause to be done, any installation, alterations, repairs, or

---

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

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

replacement of equipment or systems covered by the provisions of this code, without first having obtained the proper permit from the city clerk. Ordinary minor repairs may be made with the approval of the city inspector without a permit provided that such repairs shall not violate any of the provisions of this code.

No person shall engage in the business of making any installation, alteration, repairs, or replacement, except ordinary minor repairs as included above, until such person shall have received a valid plumber's, electrician's or gas fitter's license, or any combination thereof, as required elsewhere in the city code, to perform the particular type of service required on any given job.

Such examination and license fees shall be paid to the city clerk at the city hall upon the issuance of such license and shall be in accordance with a schedule as may be adopted from time to time by resolution of the mayor and city council. (1963 Code, § 4-604, as replaced by Ord. #100-12, July 2011)

12-505. Violations. It shall be unlawful for any person, firm or corporation to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. (1963 Code, § 4-605, as replaced by Ord. #100-12, July 2011)

CHAPTER 6

RESIDENTIAL ONE AND TWO FAMILY DWELLING CODE

SECTION

12-601. Residential one and two family dwelling code adopted.

12-601. Residential one and two family dwelling code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of providing minimum requirements to safeguard life or limb, health and public welfare and the protection of property as it relates to these safeguards by regulating and controlling the design, construction, and occupancy location and repair of detached one (1) or two (2) family dwellings, not more than three (3) stories in height, using a compilation of data from the International Residential Code,[1] 2006 edition, as recommended by the International Code Council, is hereby adopted and incorporated by reference as part of this code and is hereinafter referred to as the residential code. (Ord. #15-02, June 2002, as replaced by Ord. #100-12, July 2011)

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

CHAPTER 7

UNSAFE BUILDING ABATEMENT CODE

SECTION

12-701. Unsafe building abatement code adopted.

12-701. Unsafe building abatement code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of effecting the elimination of unsafe buildings in a legal and timely manner when used in conjunction with the Standard Building, Plumbing, Mechanical, Gas, Housing, and Fire Prevention Codes, the Standard Unsafe Building Abatement Code,[1] 1985 edition, containing no appendices, as recommended by the Southern Building Code Congress, is hereby adopted and incorporated by reference as part of this code and is hereinafter referred to as the unsafe building abatement code. (Ord. #15-02, June 2002, as replaced by Ord. #100-12, July 2011)

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

CHAPTER 8

PROPERTY MAINTENANCE CODE

SECTION

12-801. International property maintenance code adopted.
12-802. Modifications.
12-803. Available in recorder's office.
12-804. Violations and penalty.

12-801. International property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the International Property Maintenance Code,[1] 2006 edition, excluding section 303, 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 international property maintenance code. (as replaced by Ord. #100-12, July 2011)

12-802. Modifications. Whenever in the international property maintenance code when reference is made to the duties of a certain official named therein, that designated official of the City of Union City 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 property maintenance code are concerned. (as replaced by Ord. #100-12, July 2011)

12-803. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the international property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. Administrative regulations adopting amendments to the international property maintenance code will be placed on file when they are published by the building inspector, and at least fifteen (15) days before their effective date. (as replaced by Ord. #100-12, July 2011)

---

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

12-804. <u>Violations and penalty</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the international property maintenance 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. (as replaced by Ord. #100-12, July 2011)

CHAPTER 9

RENTAL PROPERTY INSPECTIONS

SECTION

12-901. Notification of vacancy.
12-902. Inspection to determine if property is safe for habitation.
12-903. Rental inspection form.
12-904. Deficiencies to be noted and reported to property owner.
12-905. Owners or managers of multiple apartment complexes may inspect.
12-906. Inspection fee.

12-901. Notification of vacancy. It shall be the duty of all rental residential property owners to notify the department of planning and codes that a property is vacant and than an inspection is required. (Ord. #1-03, Sept. 2002, as replaced by Ord. #100-12, July 2011)

12-902. Inspection to determine if property is safe for habitation. After notification to the department of planning and codes, a walk-through inspection will be made by code enforcement inspectors on any rental residential property which has not been inspected within the past twelve (12) months to determine that the property is safe for habitation. (Ord. #1-03, Sept. 2002, as replaced by Ord. #100-12, July 2011)

12-903. Rental inspection form. The following rental inspection form shall be used for the walk-through inspection:

Rental Inspection Form
Department of Planning & Code Enforcement

Owner: _____

Address: _____

302.4, 307.1, 302.8: Lawn and shrubs shall be cut and well-maintained and premises free from the accumulation of rubbish or garbage. No unlicensed or inoperative vehicle can be kept or stored on the premises.

304.3: Structure has house numbers.

302.5 & 308: Free of insects and rodent infestation or proof of treatment since property was vacated.

304.2, 304.5 and 304.7: Foundation walls shall be well-maintained and the roof shall be sound, tight and not have defects. All exterior surfaces shall be in good condition, free from missing boards, bricks or chipping paint providing a weather tight surface.

304.13 & 304.15: Windows and doors shall be weather tight and exterior doors shall fasten and lock properly.

304.13.2 & 402.1: All habitable spaces have adequate lighting and at least one (1) window in each room that opens.

704.2: Smoke detectors are required on each floor, in each sleeping room and areas adjacent to sleeping rooms.

304.10 & 304.12: All stairs and railings are in sound condition.

Ch. 5: All plumbing facilities shall be properly maintained and connected to the city sewer.

604 & 603: All cooking and heating equipment shall be in good working order.

304.4: All structural members shall be intact and free of deterioration. Accessory structures including detached garages, storage sheds, pools, fences and walls shall be maintained structurally sound in good repair.

Additional Remarks

_____
_____
_____
_____
_____
_____

( ) Pass - Utilities may be connected
( ) Fail - Utilities may not be turned on until specified repairs are made by property owner.

Inspector	Rental Property Owner	Date
_____	_____	_____

(Ord. #01-03, Sept. 2002, as replaced by Ord. #100-12, July 2011)

12-904. <u>Deficiencies to be noted and reported to property owner</u>. Any deficiencies will be noted in a written report and a copy of the report given

to the rental property owner who will be responsible for bringing the property into compliance. Until such time that the property is brought into compliance and approved by the inspector, the property shall not be occupied and utilities shall not be turned on. Utilities may be temporarily turned on in the owner's name while property is being cleaned or repaired prior to renting to another tenant. (Ord. #1-03, Sept. 2002, as replaced by Ord. #100-12, July 2011)

12-905. Owners or managers of multiple apartment complexes may inspect. Owners or managers of apartment complexes of five (5) or more units shall be allowed, with approval of city manager or his designee, to make inspections in-lieu of code enforcement inspectors utilizing the city's rental inspection form each time a unit is vacated provided a copy of all rental inspection forms are forwarded to the director of planning and code enforcement monthly and as long as the city code inspectors are given permission to make periodic inspections as necessary. In the event that the city manager withdraws approval for in-lieu of inspections, the owners of apartment complexes of five (5) or more units should be required to comply with all other sections of this chapter. (Ord. #1-03, Sept. 2002, as amended by Ord. #35-06, Dec. 2005, as replaced by Ord. #100-12, July 2011)

12-906. Inspection fee. There shall be no charge or fee for these walk-through inspections. (Ord. #1-03, Sept. 2002, as replaced by Ord. #100-12, July 2011)

CHAPTER 10

[DELETED]

(as deleted by Ord. #100-12, July 2011)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER

1. MISCELLANEOUS.
2. MOSQUITO CONTROL.
3. SWIMMING POOLS.
4. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

13-101. Health officer.
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-104. Weeds and debris.
13-105. Dead animals.
13-106. Health and sanitation nuisances.
13-107. Inspections by health officer.
13-108. Termination of bird roosts.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1963 Code, § 8-601)

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 or other airborne irritants 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. (1963 Code, § 8-605)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his

---

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

property without treating it so as effectively to prevent the breeding of mosquitoes. (1963 Code, § 8-606)

13-104. Weeds and debris. Every owner or tenant shall remove debris from his property and he shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, in order to maintain an average height not in excess of six (6) inches, when ordered so to do by the city manager or his designated representative. It shall be unlawful for such person to fail to comply with an order of the city manager, health officer, code enforcement officer or chief of police to remove such debris from his property and/or cut such vegetation to a height not in excess of six (6) inches when it has reached a height of eight (8) inches. Upon the failure, refusal or neglect of any person so notified to comply with the terms and orders of such notice, the city manager is hereby authorized to contract or perform by force account such work as may be required by said notice, and the cost of such work shall be a lien on said property, to be enforced by suit in any court of competent jurisdiction; as an additional and cumulative remedy, the city manager may certify to the city clerk, the cost of such work, and it shall be the duty of the city clerk to place the amount so certified on the bill for city taxes assessed against the affected property, and it shall be the duty of the city clerk to collect, as a special tax, the amount so certified, which is hereby declared to be a special improvement tax on said property. Said special tax may be collected as other general taxes are collected by the City of Union City. (Ord. #4-01, Aug. 2000)

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. (1963 Code, § 8-608)

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. (1963 Code, § 8-609)

13-107. Inspections by health officer. It shall be the duty and obligation of the health officer, or his duly authorized agent, to inspect and examine all premises within the municipality where he has reason to believe that any health and sanitation provision in this code is being violated. In this connection, the health officer shall have the right to enter upon any such premises at any reasonable time to make an inspection thereof, and is

authorized hereby to serve written notice upon any person who owns, occupies, or controls any premises which are in violation of this code, giving such person a reasonable length of time to bring such premises into compliance. (1963 Code, § 8-610)

13-108. Termination of bird roosts. When the health officer determines that a roost of birds is such that it constitutes a menace to the public health, damage to property, or an annoyance to people residing within the vicinity of such roost, he may certify the existence of such a nuisance roost to the chief of police.

Upon application by a property owner on whose property the health officer has certified the existence of a nuisance roost, the chief of police may grant a permit for the discharge of pellet-bearing cartridges or pyrotechnic devices to terminate such roost. Such permits may authorize the property owner to engage in a controlled activity of discharging such pellets or pyrotechnic devices on his property to discourage the establishment of such roost beginning no earlier than two (2) hours before sunset and continuing no later than two (2) hours after sunset but in no case to continue beyond 10:00 P.M. A permit shall be issued for not more than five (5) calendar days.

The city manager may promulgate rules and regulations for the issuance of permits and the activities which may be conducted under a permit to terminate bird roosts. (Ord. #10-90, Dec. 1989)

CHAPTER 2

MOSQUITO CONTROL

SECTION

13-201. Untreated breeding water prohibited.
13-202. Methods of water treatment.
13-203. Evidence of breeding.
13-204. Corrective action by city or county.
13-205. Obstruction of drainage.
13-206. Enforcement.

13-201. Untreated breeding water prohibited. It shall be unlawful for any property owner or occupant to have, keep, maintain, cause or permit upon his property any collection of standing or flowing water in which anopheles mosquitoes breed unless such water is treated so as to prevent such breeding. The prohibition of this section shall apply to water contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets, and other similar containers. (1963 Code, § 8-401)

13-202. Methods of water treatment. The method of treating any collection of water to prevent the breeding of anopheles mosquitoes may be either of the following provided it is approved by the health officer:

(1) Screening of the water with wire netting having at least sixteen (16) meshes to the inch each way, or with any other material which will effectually prevent the ingress or egress of anopheles mosquitoes.

(2) Complete emptying, cleaning and drying of unscreened containers at least once every seven (7) days.

(3) Using a larvicide approved and applied under the direction of the health officer.

(4) Complete covering of the water surface with kerosene, petroleum or paraffin oil at least once every seven (7) days.

(5) Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with anopheles mosquito-destroying fish.

(6) Filling or draining to the satisfaction of the health officer or his representative.

(7) Removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water. (1963 Code, § 8-402)

13-203. Evidence of breeding. The natural presence of anopheles mosquito larvae in standing or running water shall be evidence that anopheles

mosquitoes are breeding there and that the property owner and/or occupant is in violation of § 13-301. (1963 Code, § 8-403)

13-204. Corrective action by city or county. The city or county health department may at its expense take appropriate action to stop the breeding of anopheles mosquitoes on public or private property.

However, should any person responsible for conditions giving rise to the breeding of anopheles mosquitoes fail or refuse, after being so ordered, to take necessary measures to prevent the same, the health officer or his representative may take necessary corrective action and assess all costs thereby incurred against the offending person. (1963 Code, § 8-404)

13-205. Obstruction of drainage. No person shall cause water to stand on adjoining property by raising the elevation of his property and thereby obstructing natural drainage. The city or county health department may enter into an agreement with any property owner or owners who need a ditch or drain to care for drainage. Such agreement shall prescribe the method of drainage to be used and the distribution of construction expenses among the parties to the agreement. (1963 Code, § 8-405)

13-206. Enforcement. For enforcement purposes, the health officer or his representative may enter any premises at any reasonable time and make such inspections and issue such orders as he reasonably deems necessary to insure compliance with the provisions of this chapter. It shall be unlawful for any person to wilfully fail to comply with any lawful order of the health officer or his representative.

In determining when and where it is necessary to use the preventive methods set out in § 13-302; which of the methods shall be used; and, when proper and sufficient preventive methods have been used, the judgment of the health officer shall be final. (1963 Code, § 8-406)

CHAPTER 3

SWIMMING POOLS

SECTION

13-301. Private swimming pools regulated.

13-301. Private swimming pools regulated. It shall be unlawful to own, maintain, or operate a private swimming pool, as hereinafter defined, within the corporate limits of Union City except in conformity with the following requirements:

(1) A private swimming pool is defined to be any permanent structure constructed for swimming or bathing having a square footage in excess of 250 square feet, and a depth at any point in excess of 36 inches, and built for private use in connection with a single family residence, and available only to the family of the householder and his private guests, as distinguished from general public use.

(2) Such swimming pools will be protected by a fence, mesh or better, of a minimum height of 5 feet, with a controlled means of entrance to the swimming area.

(3) Such pools shall comply with minimum public health standards for private swimming pools as published or established by the state health department and shall be subject to inspection by the health officer.

(4) Such pools will be located at the rear of the lot or lots upon which constructed, but no nearer than 5 feet to any adjacent rear or side yard line, and on corner lots no nearer than 15 feet to the right-of-way line of any public street; provided, however, that where protected by a solid wall or fence, such swimming pools may abut adjoining property lines.

(5) A building permit for such a pool will be obtained in accordance with the provisions of § 12-102, of the city code, at which time a sketch of the proposed location upon the lot will be submitted.

(6) The provisions of this section shall not be retroactive to apply to pools constructed prior to August 1, 1971, except that all existing swimming pools shall comply with subsection (2) above on or before October 1, 1971. (1963 Code, § 8-801)

CHAPTER 4

SLUM CLEARANCE

SECTION

13-401. Applicability, purpose of chapter.
13-402. Definitions.
13-403. Nonconforming habitable buildings declared a nuisance.
13-404. Existence of dwellings unfit for human habitation.
13-405. Building inspector designated to act.
13-406. Institution of action and notification by building inspector.
13-407. Determination of and further notice by building inspector.
13-408. Appeals.
13-409. Failure of owner to comply to vacate and repair.
13-410. Failure of owner to remove or demolish.
13-411. Creation of lien and payment into court.
13-412. Conditions rendering dwelling unfit for human habitation.
13-413. Service of complaints or orders.
13-414. Powers given the building inspector.

13-401. Applicability, purpose of chapter. Every building used in whole or part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two (2) or more persons as families, living in separate apartments, or otherwise, shall conform to the requirements of this chapter irrespective of the class to which such building may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired. This chapter establishes minimum standards for occupancy, and is intended to be supplementary to the minimum housing code and is not intended to repeal, modify or replace the minimum housing code. (1963 Code, § 4-801)

13-402. Definitions. For the purpose of this chapter the following words and phrases shall have the meanings assigned to them:

(1) "Basement" shall mean that portion of a building, below the main floor, the ceiling of which is not less than three feet (3') above grade.

(2) "Cellar" shall mean that portion of a building, the ceiling of which is less than three feet (3') above grade.

(3) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(4) "Family" shall mean a group of persons, not necessarily related by blood or marriage, living together as a single housekeeping unit.

(5) "Habitable building" shall mean any structure or part thereof that shall be used as a home or place of abode by one or more persons.

(6) "Habitable room" shall mean any room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations, but shall not include private laundries, bathrooms, toilet rooms, pantries, storerooms, corridors, rooms for mechanical equipment for service in the building, or other similar spaces not used by persons frequently or during extended periods.

(7) "Infestation" shall mean the presence of household pests, vermin or rodents.

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

(9) "Plumbing" shall include all gas pipes, gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bathtubs, catch basins, drains, vents and any other fixtures connected to the water, sewer or gas lines.

(10) "Public hall" shall mean a hall, corridor or passageway not within the exclusive control of one family.

(11) "Substandard" shall be construed to include all buildings used for purposes of human habitation which do not conform to the minimum standards established by this chapter and by other provisions of this code.

(12) "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. (1963 Code, § 4-802)

13-403. <u>Nonconforming habitable buildings declared a nuisance</u>. Any habitable building which shall fail to conform to the requirements set forth in this chapter shall be deemed a nuisance and detrimental to the health, safety and welfare of the habitants of this city. (1963 Code, § 4-803)

13-404. <u>Existence of dwellings unfit for human habitation</u>. There exists in the City of Union City dwellings which are unfit for human habitation, 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 or morals, or otherwise inimical to the welfare of the residents of the City of Union City. (1963 Code, § 4-804)

13-405. <u>Building inspector designated to act</u>. The building inspector is designated as the public officer of the City of Union City who is to exercise the powers herein prescribed. (1963 Code, § 4-805)

13-406. <u>Institution of action and notification by building inspector</u>. Whenever a petition is filled with the building inspector by a public authority or by at least five (5) residents of the City of Union City charging that

any dwelling is unfit for human habitation, or whenever it appears to the building inspector on his own motion that any dwelling is unfit for human habitation, the building inspector shall, if, after making a preliminary investigation, such investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwellings, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building inspector (or his designated agent) at a time and place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. (1963 Code, § 4-806)

13-407. <u>Determination of and further notice by building inspector</u>. (1) If, after such notice and hearing as above prescribed, the building inspector determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order.

(a) If the repair, alteration, or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling requiring the owner within the time specified in the order to repair, alter, or improve such dwelling to render it fit for human habitation or if not adequately repaired, altered or improved within the time specified in the order to vacate and close the dwelling as a human habitation; or

(b) If the repair, alteration, or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling requiring the owner within the time specified in the order to remove or demolish such dwelling.

(2) Rebuilding in violation of existing zoning ordinances will not be permitted.

(3) The building inspector shall determine the value of the dwelling in question existing on the land and the value of the land, itself, not to be considered, and if the dwelling can be made to conform to such standards as will make it properly habitable by an expenditure of not more than fifty percent (50%) of said value, the order referred to in the preceding paragraph shall contain the first alternative. If an expenditure of more than fifty percent (50%) of the value just referred to would be necessary to make the dwelling properly habitable, the order in the preceding paragraph shall contain the second alternative. (1963 Code, § 4-807)

13-408. <u>Appeals</u>. Any person receiving a written order from the building inspector as provided in § 13-407 may, within fifteen (15) days following date of

such notice, enter an appeal in writing to the housing board of adjustments and appeals. Any such appeal taken under this chapter shall be processed and considered by the housing board of adjustments and appeals in the same manner as prescribed for appeals entered under the Minimum Housing Code of the City of Union City. Any decision of the housing board of adjustments and appeals shall be final and conclusive. (1963 Code, § 4-808)

13-409. Failure of owner to comply to vacate and repair. If the owner fails to comply with the order under § 13-407(1)(a), the building inspector may cause such dwelling to be repaired, altered or improved or be vacated and closed; and in such event the building inspector may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." (1963 Code, § 4-809)

13-410. Failure of owner to remove or demolish. If the owner fails to comply with an order as set forth in § 13-407(1)(b), the building inspector may cause such dwelling to be removed or demolished. (1963 Code, § 4-810)

13-411. Creation of lien and payment into court. The amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition by the building inspector shall be a lien against the real property on which such cost was incurred. If the dwelling is removed or demolished by the building inspector, he shall sell the materials of such dwelling 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 by the building inspector, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Union City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (1963 Code, § 4-811)

13-412. Conditions rendering dwelling unfit for human habitation. In addition to the other standards set forth in this chapter, the building inspector may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the city; such conditions may include the following (but without limiting the generality of the foregoing): Defects increasing the hazards of fire, accident or other calamities, lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (1963 Code, § 4-812)

13-413. <u>Service of complaints or orders</u>. Complaints or orders issued by the building inspector pursuant to the requirements of this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence and the said building inspector shall make 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. A copy of such complaint or order shall also be filed for record in the register's office of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1963 Code, § 4-813)

13-414. <u>Powers given the building inspector</u>. The building inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation.

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

(3) To enter upon premises for the purposes of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(4) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1963 Code, § 4-814)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL-REGIONAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOME PARKS.

CHAPTER 1

MUNICIPAL-REGIONAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of nine (9) members; two (2) of them shall be the mayor and a councilman selected by the city council; the other seven (7) 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 seven (7) members appointed by the mayor shall be for three (3) years each. The terms of five (5) appointed members, whose terms have been established prior to the adoption of this chapter, shall continue as they are currently in effect. The terms of initial appointment of the two (2) new members created through the passage of this chapter shall be four (4) years. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1963 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1963 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1963 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Union City shall be governed by Ordinance #2-81, titled "Zoning Ordinance, Union City, Tennessee," and any amendments thereto.[1]

---

[1]Ordinance #2-81, and any amendments thereto, are published as separate documents and are of record in the office of the city clerk.

CHAPTER 3

MOBILE HOME PARKS

SECTION

14-301. Definitions.
14-302. License.
14-303. License fees.
14-304. Application for license.
14-305. Mobile home park plan.
14-306. Location.
14-307. Water supply.
14-308. Sanitation facilities.
14-309. Laundry facilities.
14-310. Sewage and refuse disposal.
14-311. Refuse storage, collection, and disposal.
14-312. Fire prevention.
14-313. Additions to mobile homes--parking restrictions.
14-314. Register of occupants.
14-315. Revocation of license.
14-316. Posting of license.

14-301. Definitions. (1) "Dependent mobile home" means a mobile home which does not have a toilet and a bath or shower, or running water.

(2) "Dependent mobile home space" means a mobile home space which is designed to accommodate a dependent mobile home and does not have sewer and water connections to accommodate a toilet and a bath or shower in a mobile home.

(3) "Dwelling." A house, apartment building or other permanent building designed or used primarily for human habitation.

(4) "Health officer." The term "health officer" shall mean the health officer of the City of Union City, Tennessee, or his authorized representative.

(5) "Independent mobile home" means a mobile home that has a toilet and a bath or shower, and running water.

(6) "Independent mobile home space" means a mobile home space which has sewer and water connections designed to accommodate toilet and bath or shower contained in an independent mobile home.

(7) "Mobile home" shall mean and include any vehicle or similar portable structure constructed so as to permit its being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons. "Mobile home" shall include "trailer coach" as defined in Tennessee Code Annotated, § 68-24-101.

(8) "Mobile home park" means any plot of ground, upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

(9) "Mobile home space" means a lot or plot of ground within a mobile home park designed for the accommodation of one mobile home.

(10) "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence or hedge.

(11) "Park" means mobile home park.

(12) "Person" means any natural individual. (1963 Code, § 8-701)

14-302. License. (1) It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Union City, Tennessee, any mobile home park unless such person shall first obtain a license therefor.

(2) Licenses shall not be transferable. (1963 Code, § 8-702)

14-303. License fees. The annual license fee for each mobile home park shall be equal to but not greater than the amount allowed by Pub. Acts 1971, ch. 387, as amended, known as the "Business Tax Act." (1963 Code, § 8-703)

14-304. Application for license. Applications for a mobile home park license shall be filed with and issued by the building inspector. Applications shall be in writing signed by the applicant and shall contain the following:

(1) The name and address of the applicant.

(2) The location and legal description of the mobile home park.

(3) A complete plan of the park showing compliance with § 14-305.

(4) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. The sketch shall be drawn to scale showing the number and arrangement of mobile home lots, roadways, water supply, water outlets, location and type of sewage, liquid and garbage disposal and the location of the buildings for toilets, baths, laundries and other facilities.

(5) Such further information as may be requested by the building inspector to enable him to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The building inspector, the health officer and the city manager shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed mobile home park will be in compliance with all provisions of this chapter or all other applicable ordinances or statutes, the building inspector shall approve the application and upon completion of the park according to the plans shall issue the license.

Mobile homes shall not be parked on any public thoroughfare, street, alley or public place in the City of Union City, Tennessee, for longer than one hour when no emergency for repairs exists.

None of the provisions of this chapter shall be construed as prohibiting the parking of mobile homes for display by a duly authorized and licensed dealer or sales agency, provided that the lot where such mobile homes are parked is within an area or zone where such type of business is permitted by the Zoning Ordinance of the City of Union City. (1963 Code, § 8-704)

14-305. <u>Mobile home park plan</u>. The mobile home park shall conform to the following requirements:

(1) The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Mobile home plot size and spacing of mobile homes: Mobile home spaces shall be clearly defined and mobile homes parked so that there will be at least fifteen (15) feet of clear space between mobile homes or any attachment, such as a garage or porch, fifteen (15) feet between mobile homes and any building or structure, and at least five (5) feet between any mobile home park property line. No mobile home shall be located closer than fifteen (15) feet to any public street or highway.

The individual plot sizes for mobile home spaces shall be determined as follows:

(a) Minimum width shall be equal to the width of mobile home plus twenty (20) feet.

(b) Minimum depth with end parking of automobile shall be equal to the length of mobile home plus thirty (30) feet.

(c) Minimum depth with side or street parking shall be equal to the length of mobile home plus twenty (20) feet.

In no case shall the space be less than sixty (60) feet in depth and thirty (30) feet in width.

(3) All mobile home spaces shall abut upon a driveway of not less than thirty (30) feet in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be lighted at night with 25 watt lamps at intervals of one hundred (100) feet located approximately fifteen (15) feet from the ground.

(4) Paved walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings. The walkways shall be lighted at night with 25 watt lamps at intervals of one hundred (100) feet approximately fifteen (15) feet from the ground.

(5) Each park shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities as hereinafter more particularly prescribed.

(6) Electricity: An electrical outlet supplying at least 110 volts shall be provided for each mobile home space, and shall be weatherproof and

accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code, and Tennessee Department of Commerce and Insurance Regulation No. 15, entitled "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization. (1963 Code, § 8-705)

14-306. Location. Mobile home parks may be located in any district or area provided in the Zoning Ordinance of the City of Union City. (1963 Code, § 8-706)

14-307. Water supply. An adequate supply of water under pressure from a source and of a quality approved by the Tennessee Department of Health shall be provided. Where possible, approved municipal water supplies shall be used. Water shall be piped to each mobile home lot. There shall be a water outlet in each shower room, wash room, laundry room, sink and night waste container washing facilities. (1963 Code, § 8-707)

14-308. Sanitation facilities. Each park shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities which shall conform to the following requirements:

(1) Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproof wall.

(2) Toilet facilities for women shall consist of not less than two (2) flush toilets for every ten (10) dependent mobile home spaces, and two (2) lavatories for every twenty (20) dependent mobile home spaces. Each toilet, shower, and bathtub shall be in a private compartment.

(3) Toilet and urinal facilities for men shall consist of not less than one (1) flush toilet for every ten (10) dependent mobile home spaces, one (1) shower or bathtub for every ten (10) dependent mobile home spaces, one (1) lavatory for every ten (10) dependent mobile home spaces. Each toilet, shower, and bathtub shall be in a private compartment.

(4) A dependent mobile home may be parked on an independent mobile home space, but in such event such space shall be regarded as being dependent mobile home space during the period of such occupancy by a dependent mobile home for the purpose of determining compliance with the provisions of subsections (2) and (3) of this section.

(5) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing, gas and sanitation systems, and shall be located not closer than fifteen (15) feet or farther than one hundred fifty (150) feet from any dependent mobile home space.

(6) Each service building shall contain at least one slop sink for each sex located in a separate compartment.

(7) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof materials, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 70 degrees Fahrenheit during the period from October 1 to May 1, and to supply a minimum of three (3) gallons of hot water per hour per mobile home space during time of peak demands. The floors of the service building shall be of concrete or approved tile material and shall slope to a floor drain connected with the sewerage system.

(8) Liquefied petroleum gas. Liquefied petroleum gas for cooking purposes shall not be used at individual mobile home spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in a mobile home, nor within five (5) feet of a door thereof.

(9) All service buildings, mobile homes, mobile home spaces and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1963 Code, § 8-708)

14-309. Laundry facilities. The laundry facilities shall be provided in the ratio of one (1) double laundry tub and ironing board for every twenty (20) mobile home spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board. Drying spaces shall be provided sufficient to accommodate the laundry of the mobile home occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing, gas and sanitation systems. (1963 Code, § 8-709)

14-310. Sewage and refuse disposal. Waste from showers, bathtubs, toilets, slop sinks, and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer disposal plant or septic tank system of such construction and in such manner as to conform to the specifications of the health officer. All kitchen sinks, wash basins, and bath or shower tubs in any mobile home harbored in any park shall empty into the sanitary sink drain located on the mobile home space. Mobile home parks within three hundred (300) feet of the municipal sewer shall connect thereto, with approved and sized lines. (1963 Code, § 8-710)

14-311. Refuse storage, collection, and disposal. Storage, collection, and disposal of refuse shall be accomplished as provided in § 17-103 of this code. (1963 Code, § 8-711)

14-312. **Fire prevention**. The mobile home park area shall be subject to the rules and regulations of the fire prevention authorities having jurisdiction. (1963 Code, § 8-712)

14-313. **Additions to mobile homes--parking restrictions**. No permanent additions of any kind shall be built on to, nor become a part of, any mobile home. Skirting of mobile homes is permissible, but such skirting shall not permanently attach the mobile home to the ground, provide a harborage for rodents, or create a fire hazard. The wheels of the mobile home shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the mobile home to prevent movement on the springs while the mobile home is parked and occupied. (1963 Code, § 8-713)

14-314. **Register of occupants**. (1) It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

(a) Name and address of each occupant.

(b) The make, model, and year of all automobiles and mobile homes.

(c) License number and owner of each mobile home and automobile by which it is towed.

(d) The state issuing such license.

(e) The dates of arrival and departure of each mobile home.

(2) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration. (1963 Code, § 8-714)

14-315. **Revocation of license**. The health officer shall make periodic inspections of the park to assure compliance with this chapter. In case of non-compliance with any provisions of this chapter, the health officer shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the health officer shall recommend to the mayor and councilmen revocation of the offending park's license. The council shall hold a hearing on the matter and upon determination of non-compliance shall revoke said license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law. (1963 Code, § 8-715)

14-316. **Posting of license**. The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times. (1963 Code, § 8-716)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

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

CHAPTER 1

MISCELLANEOUS[2]

SECTION

15-101. Motor vehicle requirements.
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. One-way streets.
15-105. Unlaned streets.
15-106. Laned streets.
15-107. Yellow lines.
15-108. Miscellaneous traffic-control signs, etc.

---

[1]Municipal code reference

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

Reserve funds for fines collected through speed and redlight enforcement: § 5-107.

[2]State law references

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

15-109. General requirements for traffic-control signs, etc.
15-110. Unauthorized traffic-control signs, etc.
15-111. Presumption with respect to traffic-control signs, etc.
15-112. School safety patrols.
15-113. Driving through funerals or other processions.
15-114. Clinging to vehicles in motion.
15-115. Riding on outside of vehicles.
15-116. Backing vehicles.
15-117. Projections from the rear of vehicles.
15-118. Causing unnecessary noise.
15-119. Vehicles and operators to be licensed.
15-120. Passing.
15-121. Damaging pavements.
15-122. Truck routes.
15-123. Registration of vehicles.
15-124. Operation and parking of motor vehicles on public property.
15-125. Use of driver's license in lieu of bail.
15-126. Junked and certain other motor vehicles and accessories and junkyards.
15-127. Compliance with financial responsibility law required.
15-128. Penalty.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1963 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1963 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1963 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1963 Code, § 9-109)

15-105. **Unlaned streets**. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

(c) Upon a roadway designated and signposted by the municipality for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1963 Code, § 9-110)

15-106. **Laned streets**. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1963 Code, § 9-111)

15-107. **Yellow lines**. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1963 Code, § 9-112)

15-108. **Miscellaneous traffic-control signs, etc**.[1] It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality. (1963 Code, § 9-113)

15-109. **General requirements for traffic-control signs, etc**. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs,

---

[1]Municipal code references

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

signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,[1] and shall be uniform as to type and location throughout the city. (1963 Code, § 9-114, modified)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1963 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority. (1963 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1963 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1963 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1963 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated

---

[1]For 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.

on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1963 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1963 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1963 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1963 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1963 Code, § 9-125)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1963 Code, § 9-126)

15-121. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1963 Code, § 9-119)

15-122. Truck routes. No truck, tractor, trailer or other vehicle having a rated capacity of more than one ton shall use any street or alley within the corporate limits unless such street or alley is designated as a federal or state highway. There shall be excepted from this prohibition such vehicles as are traveling on other streets by necessity in order to permit the operator to make a local delivery or accomplish some other lawful purpose. (1963 Code, § 9-127)

15-123. Registration of vehicles. (1) Every person, firm or corporation living in, or having a place of business in Union City and having motor vehicles regularly using the city streets shall be required to register motor vehicles with the Obion County Court Clerk annually and as evidence of registration of the motor vehicle, the Obion County Court Clerk shall issue a registration certificate. A certificate of registration for not more than two motor vehicles shall be issued at no charge to an ex-prisoner of war, upon producing evidence satisfactory to the Obion County Court Clerk of his or her being an ex-prisoner of war or surviving spouse of an ex-prisoner of war.

The city registration shall expire at the same time as the motor vehicle's state license plate.

The Obion County Court Clerk shall issue the certificate of registration at the same time as the state license plate for the motor vehicle is purchased.

(2) The fee for each motor vehicle as described herein for using the city streets shall be twenty dollars ($20.00) if timely registered. An additional fee of five dollars ($5.00) shall be charged for motor vehicles not timely registered. The city's definition of timely registration shall be the same as that set forth by the resolutions of the Obion County Commission for collection of its wheel tax.

(3) The mayor is authorized and directed to execute on behalf of the city a contract with Obion County and/or its county clerk containing such terms and provisions as will carry out the intent of this section as authorized by Tennessee Code Annotated, § 7-51-703. The collection of the fees for the city will be done on the same basis and in the same manner as provided by resolutions of the Obion County Commission for collection of its wheel tax and shall provide the same collection procedure and the same proration as required by the

resolutions adopted by the county commission for collection of its wheel tax. The contract shall also contain other terms and provisions about the remittance of the fees collected by the county clerk to the city as the mayor may deem appropriate on behalf of the city.

(4) The city's requirement relating to the transfer of the city's certificate of registration shall be the same as that provided by the resolutions for Obion County as adopted by the Obion County Commission for collection of its wheel tax and certificate issued by the county clerk shall be evidence of payment of the city's fee.

(5) Any person, firm or corporation owning or operating an automobile agency and/or used car motor vehicle lot in Union City shall be required to purchase an annual city registration for every vehicle for which a state license plate is purchased, demonstrator or otherwise; and, the fee shall be twenty dollars ($20.00) for each dealer certificate of registration.

(6) Any person, firm or corporation who violates this section shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) plus the court costs, and the city judge shall not have any authority to dismiss any citation issued by any authorized officer if the court finds that there has been a violation of this section, and both the fine and payment of the court costs shall be mandatory. Each day that a person, firm or corporation violates this section shall be a separate offense. (Ord. #10-94, Nov. 1993, as amended by Ord. #46-07, Oct. 2006)

15-124. <u>Operation and parking of motor vehicles on public property</u>. Motor vehicles may be operated and parked only on city streets, alleys, and public parking areas, and shall not be operated nor parked upon any publicly owned property, including but not limited to public sidewalks, walkways, parkways, or in any public park or recreation area or cemetery, provided this section shall not apply to operating and parking vehicles used for the purpose of making deliveries or for vending or maintenance services in public areas. The city manager may from time to time specifically designate areas where motor vehicles may be operated or parked for special occasions. (1963 Code, § 9-129)

15-125. <u>Use of driver's license in lieu of bail</u>. In addition to any other penalty or remedy provide by this code, when a citation is issued or when a person is arrested and charged with a violation of any municipal ordinance or state statute regulating traffic, excepting violations which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer, or city court, or County General Sessions Court, demanding bail in lieu of any other security required for his appearing

in the city court or the General Sessions Court of Obion County in answer to such charge before the court.

Whenever any person deposits his chauffeur's or operator's license as herein provided, either the officer or court demanding bail shall issue said person a receipt for said license upon a form approved or provided by the Department of Safety, and thereafter said person should be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited.

The clerk or judge of a court accepting the license shall thereafter forward to the Department of Safety the license of a driver deposited in lieu of bail if the driver fails to appear in answer to the charge filed against him, which license shall not be released by the Department of Safety until the charge for which such license was so deposited has been disposed of by the court in which pending.

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer or agent of the department or any police officer of the municipality except where the licensee has previously deposited his license with the officer or the court demanding bail and has received a receipt from the officer or the court, the same is to serve as a substitute for the license until the specified date for court appearance of the licensee or the license is otherwise returned to the licensee by the officer or court accepting the same for deposit. (1963 Code, § 9-130)

15-126. <u>Junked and certain other motor vehicles and accessories and junkyards</u>. (1) For the purpose of this section, the following definitions shall be applicable:

(a) "Junked motor vehicle" means any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated.

(b) "Motor vehicle" means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, buses, trucks, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-the-road vehicles.

(c) "Motor vehicle accessories" means any part or parts of any motor vehicle.

(d) "Person" includes any individual, firm, partnership or corporation.

(e) "Private property" means any real property not owned by the federal government, state, county, city school board, or other public subdivisions.

(f) "Removal" means the physical relocation of a motor vehicle or a motor vehicle accessory to an authorized location.

(g) "Junkyard" means any business which is primarily engaged in the buying and selling of scrap metal, junk or scrap materials, but not primarily engaged in the repair of motor vehicles and/or the sale of parts of motor vehicles. This definition shall include the term "auto wrecking" as regulated by the Union City Zoning Ordinance.

(h) "Designated storage place" means any storage area allowed by and meeting the requirements of this section which is utilized for the lawful storage of any junked motor vehicle requiring repair, parts or tires as further set forth in this section.

(i) "Depository" means a publicly owned and operated site utilized for the storage and safekeeping of goods, vehicles, or other items requiring storage prior to their transfer out of public safekeeping.

(2) It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle requiring repair, parts, or tires to be operable or motor vehicle accessories to store or permit any such vehicle or accessories to remain on any private property within the city for a period of more than thirty days after the receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property or junkyard in the city to store or permit to remain any such vehicles or accessories on his property for more than a like period if not in compliance with this section. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this section. However, motor vehicles awaiting repairs at auto repair or auto body shops shall be allowed up to, but no more than, an additional thirty days of storage after receipt of a notice as set forth above.

It shall be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

(3) This section shall regulate motor vehicles and motor vehicle accessories within designated storage places, depositories or junkyards as set forth below:

(a) This section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or in a lawfully designated storage place, depository, junkyard or seasonal use vehicle such as snowmobiles, motorcycles, motor scooters and non-motorized campers.

(b) A lawfully designated storage place or depository shall only be a location in zones designated on the Union City Zoning Map as B-2 (Intermediate Business), B-M (Business-Industrial), M-1 (Light Industrial), M-2 (Heavy Industrial), and P-M (Planned Industrial) Districts. Junkyards (auto wrecking) shall only be located within M-2

(Heavy Industrial) districts as set forth in the Union City Zoning Ordinance.

(c) Such designated storage area, depository, or junk yard shall:

(i) In the case of designated storage areas, or depositories, be so situated to conform to, and not extend into, any required front yard as set forth in the official Zoning Ordinance of Union City.

(ii) In the case of junkyards (auto wrecking), be so situated to conform to the Official Zoning Ordinance of Union City.

(iii) Be enclosed by a solid wall or fence which is opaque so as to not allow visibility from any street or public way of any junked motor vehicle, parts, or motor vehicle requiring repairs, parts, or tires. Such fencing shall be a minimum of six (6) feet in height so as to block the visibility of said vehicles or parts from any public way.

(iv) Along any boundaries not visible to any public way or parking area, a wall or fence shall be required which shall be a minimum of six (6) feet in height.

(d) Legally established designated storage places, depositories, or junkyards (auto wrecking), as defined by this section shall comply with the provisions of this section within six (6) months of passage. Notification of this compliance requirement shall be in conformity with § 15-126(5) and all subsequent sections of this section.

(4) The building inspector or any person designated in writing by the city manager on routine inspection or upon receipt of a complaint may investigate a suspected junked motor vehicle or motor vehicle requiring repair, parts or tires to be operable, or motor vehicle accessory, and record the make, model, style, and identification numbers and its situation. The inspector may also investigate motor vehicle accessories or complaints concerning designated storage areas, depositories, or junkyards in the same way and manner.

(5) Whenever the building inspector or other person designated in writing by the city manager finds or is notified that any junked motor vehicle or motor vehicle requiring repair, part(s), or tires to be operable, or motor vehicle accessories have been stored or permitted to remain on any private property or junkyard within the city, not in compliance with this section, the building inspector shall send by certified mail a notice to the owner of record of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the city, on which the same is located to remove such motor vehicle or motor vehicle accessories within thirty days. Such notice shall also contain the following additional information:

(a) Nature of complaint.

(b) Description and location of the motor vehicle and/or motor vehicle accessories.

(c) Statement that the motor vehicle or motor vehicle accessories will be moved from the premises, or the premises brought into compliance as set forth herein, no later than thirty (30) days from the date of notification, excepting an additional thirty days shall be granted for a motor vehicle awaiting repair.

(d) Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.

(e) Statement that if removal is made, or the premises is brought into compliance with this section, within the time limits specified, notification shall be given in writing to the building inspector or other person designated in writing by the city manager to make inspections.

(f) Statement of the penalties provided for non-compliance within such notice.

(6) Each day that there is noncompliance with the notice of the building inspector or other person designated in writing by the city manager to make inspections shall be deemed and treated as a separate offense and each offense shall constitute a misdemeanor.

(7) In addition, the city shall have the right and power to apply to the district court having jurisdiction for injunctive or other relief as may be appropriate to abate nuisances. (1963 Code, § 9-131)

15-127. <u>Compliance with financial responsibility law required</u>.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under <u>Tennessee Code Annotated</u>, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under <u>Tennessee Code Annotated</u>, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in <u>Tennessee Code Annotated</u>, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled

in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this ordinance is punishable by a civil penalty of up to fifty dollars ($50). The civil penalty prescribed by this ordinance shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (Ord. #13-02, April 2002)

15-128. Penalty. Moving traffic violations are misdemeanors and offenders shall be subject to a penalty of not more than fifty dollars ($50.00).

If an offense continues from day to day, each day shall constitute a separate offense. (Ord. #14-96, April 1996)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.
15-202. Operation of authorized emergency vehicles.
15-203. Following emergency vehicles.
15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1963 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1963 Code, § 9-103)

---

[1]Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles: § 15-501.

15-203. <u>Following emergency vehicles</u>. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1963 Code, § 9-104)

15-204. <u>Running over fire hoses, etc</u>. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1963 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

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

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty-five (35) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1963 Code, § 9-201)

15-302. At intersections. At all intersections, the speed limit shall be fixed for the streets, avenues or thoroughfares involved. (1963 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1963 Code, § 9-203, as replaced by Ord. #92-10, June 2010, and Ord. #106-12, March 2012)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1963 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Signals.
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
15-405. U-turns.

15-401. Signals. No person operating a motor vehicle shall make any turning movement which might affect the operation of any other vehicle without first signaling his intention in accordance with the requirements of the state law.[1] (1963 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1963 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1963 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1963 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1963 Code, § 9-305)

---

[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.[1] Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1963 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1963 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1963 Code, § 9-403)

---

[1]Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.

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

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

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

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

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1963 Code, § 9-404)

15-505. <u>At "stop" signs</u>. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1963 Code, § 9-405)

15-506. <u>At "yield" signs</u>. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1963 Code, § 9-406)

15-507. <u>At traffic-control signals generally</u>. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) <u>Green alone, or "Go"</u>:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) <u>Steady yellow alone, or "Caution"</u>:

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1963 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected 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. (1963 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1963 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,[1] except in an emergency. (1963 Code, § 9-410)

---

[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

15-601. Generally.
15-602. Angle parking.
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Regulation by parking meters.
15-607. Lawful parking in parking meter spaces.
15-608. Unlawful parking in parking meter spaces.
15-609. Unlawful to occupy more than one parking meter space.
15-610. Unlawful to deface or tamper with meters.
15-611. Unlawful to deposit slugs in meters.
15-612. Special parking permits.
15-613. Presumption with respect to illegal parking.
15-614. Truck parking on streets in residential areas.

15-601. Generally. Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1963 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1963 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies

more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1963 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the 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 (15) feet of a fire hydrant.

(5) Within a pedestrian crosswalk.

(6) Within fifty (50) feet of a railroad crossing.

(7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.

(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.

(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(10) Upon any bridge.

(11) Alongside any curb painted yellow or red by the municipality. (1963 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. (1963 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the municipality, between the hours of 8:30 A.M. and 5:00 P.M., on all days except Sundays and national holidays observed by the United States Post Office, parking shall be regulated by parking meters where the same have been installed by the municipality. The presumption shall be that all installed parking meters were lawfully installed by the municipality. (1963 Code, § 9-506)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1963 Code, § 9-507)

15-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to

be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time.

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

Furthermore, the parking of trucks, except small pickup trucks, and the placing and/or displaying of merchandise, wares, products or any other items for repair, sale, exchange and/or resale, within parking meter spaces are hereby prohibited, unless a temporary permit is issued by the mayor and councilmen. (1963 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1963 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1963 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1963 Code, § 9-511)

15-612. Special parking permits. Upon application and payment of the appropriate fee, the city clerk shall issue the following special parking permits which shall notwithstanding other provisions in this code to the contrary, authorize parking as indicated.

(1) Parking meter permit. A parking meter permit shall authorize parking by any parking meter at any time without activating such meter by inserting a coin. The cost per month for such a permit shall be in accordance with fees the municipality from time to time adopt by resolution, payable in advance, and shall be good only for the vehicle to which permanently and conspicuously attached.

(2) Loading and unloading permit. A loading and unloading permit may authorize the "in and out" parking of delivery vehicles on side streets in

front of or beside businesses for a monthly fee, payable by the quarter as the municipality may from time to time adopt by resolution.

(3) Off-street parking permit. An off-street parking permit may authorize parking on any city owned parking lot at any time for a monthly fee, payable by the quarter in advance, as the municipality may from time to time adopt by resolution. The permit shall be legal only for the vehicle to which it is permanently and conspicuously attached. (1963 Code, § 9-512)

15-613. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1963 Code, § 9-513)

15-614. Truck parking on streets in residential areas. It shall be unlawful to park any truck, tractor, trailer or other vehicle having an automotive manufacturers rated capacity of one ton or more, upon any streets or alleyways within any residential zone, within the corporate limits of Union City, Tennessee, at any time except as follows:

(1) Such vehicles may be parked for delivery or "pick-up" calls, or for service calls, for such reasonable time as may be required.

(2) Such vehicles may remain upon such streets or alleyways during motor failures or breakdowns, or other emergencies, but should such emergency last for more than one-half day, the owner and/or driver of such vehicle will promptly notify the city police, and expeditious action will be taken by said owner or driver to remove the disabled vehicle. (1963 Code, § 9-514)

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. (1963 Code, § 9-602)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1963 Code, § 9-603)

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

If the offense is a parking meter parking violation the offender may, within five (5) days, have the charge against him disposed of by paying to the city clerk a fine of one dollar ($1.00) provided he waives his right to a judicial hearing. (1963 Code, § 9-604)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is

---

[1]State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars ($5.00) and a storage cost of be one dollar ($1.00) per day shall be charged. (1963 Code, § 9-601)

CHAPTER 8

AUTOMATED TRAFFIC SIGNAL AND SPEED ENFORCEMENT SYSTEMS

SECTION

15-801. Definitions.
15-802. Administration.
15-803. Offense.
15-804. Procedure.
15-805. Fine.
15-806. Miscellaneous.

15-801. Definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) "Citations and warning notices" shall include:

(a) The name and address of the registered owner of the vehicle;

(b) The registration plate number of the motor vehicle involved in the violation;

(c) The violation charged;

(d) The location of the violation;

(e) The date and time of the violation;

(f) A copy of the recorded image;

(g) The amount of the fine imposed and the date by which the fine should be paid;

(h) A signed statement by a member of the police department that, based on inspection of recorded images, the motor vehicle was being operated in violation of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304;

(i) A statement that recorded images are evidence of a violation of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304; and

(j) Information advising the person alleged to be liable under this chapter:

(i) Of the manner and time in which guilt alleged in the citation occurred and that the citation may be contested in the Union City City Court; and

(ii) Warning that failure to contest in the manner and time provided shall be deemed an admission of guilt and that a judgment may be entered thereon.

(2) "In operation" means operating in good working condition.

(3) "Recorded images" means images recorded by a traffic control photographic system:

(a) On:

(i) A photograph; or
(ii) A microphotograph; or
(iii) An electronic image; or
(iv) A videotape; or
(v) Any other medium; and

(b) At least one (1) image or portion of tape, clearly identifying the registration number of the motor vehicle.

(4) "Stop line" is a transverse white marking at an approach to an intersection that indicates a point behind which all vehicles must stop when so required by traffic control sign, signal or device.

(5) "System location" is the approach to an intersection or a street or highway within the city limits which a photographic, video or electronic camera is directed and is in operation.

(6) "Traffic control and speed photographic system" is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control sign, signal or device, and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control sign, signal or device or exceeding the speed limit.

(7) "Vehicle owner" is the person identified by the Tennessee Department of Safety as the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six (6) months or more. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-802. <u>Administration</u>. (1) The Union City Police Department or an agent of the department shall administer the traffic control and speed limit enforcement photographic systems and shall maintain a list of system locations where traffic control photographic and speed limit enforcement systems are installed. The city may contact with third parties to perform ministerial and clerical functions.

(2) Any citation or warning for a violation of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304 issued by an officer of the Union City Police Department at a system location shall be treated in the manner prescribed in this chapter.

(3) No third party contractor shall have the authority to issue citations and no citations shall be issued except upon the review of the photograph(s), digital and/or video images by the Union City Police Department. Upon review of such images by the Union City Police Department, on each case, and upon express approval for the issuance of citation by the Union City Police Department, a third party contractor may perform the ministerial and clerical functions of preparing, mailing, serving and/or processing citations.

(4) The city shall adopt procedures for the issuance of citations and warnings under the section. A citation or warning alleging that the violation of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304 of this chapter occurred,

sworn to or affirmed by officials or agents of the city, based on inspection of recorded images produced by a traffic control and/or speed limit enforcement photographic system, shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this chapter. The citation or warning shall be forwarded by first-class mail postmarked no later than thirty (30) days after the date of the alleged violation, to the vehicle owner's address as given on the motor vehicle registration records maintained by the State of Tennessee Department of Safety and other states' motor vehicle registration departments. Personal delivery to or personal service of process on the owner of the vehicle shall not be required.

(5) Signs to indicate the use of traffic control and speed limit enforcement photographic systems shall be clearly posted. Signs to indicate the use of traffic control and speed limit enforcement photographic systems shall be posted in advance of individual system locations and may be posted elsewhere in the city.

(6) The City of Union City shall have all necessary power and authority to contractually provide for the purchase, lease, rental acquisition and/or to enter a service contract(s) so as to fully and necessarily implement the provisions of the traffic control and speed limit enforcement photographic system authorized hereby. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-803. **Offense**. It shall be unlawful for a vehicle to cross the stop line at a system location, in disregard or disobedience of the traffic control sign, signal or device at such location, or to otherwise violates any section of the Union City Municipal Code with respect to obedience to traffic lights, stop signs, or traffic signals. It shall be unlawful for a vehicle to travel through a speed location at a rate of speed in excess of limits established or posted for any location.

The owner of a vehicle shall be responsible for a violation under this chapter, except as provided herein. When such owner provides evidence in accordance with the procedures set forth in § 15-804(2) that the vehicle was in the care, custody, or control of another person at the time of the violation, then the person who had the care, custody and control of the vehicle at the time of the violation shall be responsible. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-804. **Procedure**. (1) A person who receives a citation or warning notice under this chapter for violations of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304 may:

(a) Pay the fine in accordance with instructions on the citation, directly to the City of Union City; or

(b) Elect to contest the citation of the alleged violation in a hearing before the city judge of the Union City Municipal Court, in accordance with the instructions on the citation.

(2) Guilt under this chapter and/or chapter 3 of title 15 of the Municipal Code of the City of Union City shall be determined based upon preponderance of the evidence. Admission into evidence of a citation or warning notice, together with proof that the defendant was, at the time of the violation, the registered owner of the vehicle shall permit the trier of fact in its discretion to infer such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

(a) Testifies under oath in open court that the owner was not the operator of the vehicle at the time of the alleged violation and the trier of fact accepts such testimony as true; or

(b) Furnishes to the city court, prior to the return date established on the citation or warning notice, the owner's sworn notarized affidavit or statement, under penalty of perjury, that the vehicle was in the care, custody, or control of another person or entity at the time of the violation and accurately identifying the name and accurately stating the current address and relationship to or affiliation with the vehicle at the time of the alleged violation; or

(c) Furnishes to the city court, prior to the return date established on the citation or warning notice, a certified copy of a police report showing that the vehicle or the registration plates had been reported to the police as stolen prior to the time of the alleged violation or within a timely manner after the alleged theft occurred; or

(d) Furnishes to the city court, prior to the return date established on the citation or warning notice, an affidavit or statement under penalty of perjury signed by the owner before a notary public, stating that, at the time of the alleged violation, the vehicle involved was stolen or was in the care, custody or control of some other person who did not have the owner's permission to use the vehicle. If the owner elects to present such an affidavit or statement, the affidavit or statement must include one (1) of the following statements:

(i) The actual operator of the vehicle at the time of the alleged violation is unknown to the owner; or

(ii) The actual operator of the vehicle at the time of the alleged violation is known to the owner. If the affidavit or statement includes this sentence, then the affidavit or statement must also include information accurately identifying the name and the current address of the driver at the time of the alleged violation.

(e) In the case of a commercial vehicle with a registered gross weight of ten thousand (10,000) pounds or more, a tractor vehicle, a trailer operated in combination with a tractor vehicle, or a passenger bus,

in order to demonstrate that said owner was not the violator, the owner shall, in a letter mailed to the city court by certified mail, return receipt requested:

(i) State that the person named in the citation was not operating the vehicle at the time of the violation; and

(ii) Provide the name, address and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(3) In the event the owner of a vehicle provides a name and address of a person or entity other than the owner who had leased, rented or otherwise had care, custody, control or possession of the vehicle at the time of the alleged violation, the city shall then issue a citation or warning to the person or entity so identified. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-805. Fine. (1) Any violation of this chapter and/or chapter 3 of title 15 of the Municipal Code of the City of Union City shall result in a fine of fifty dollars ($50.00).

(2) Failure to pay the fine by the designated date, or appear in the city court to contest the citation on the designated date, or to otherwise provide the information under § 15-804(2)(b),(c),(d) or (e) shall be deemed an acknowledgment by the owner of an indebtedness to the City of Union City of fifty dollars ($50.00) and shall result in an imposition of a judgment by default of fifty dollars ($50.00). Such a default judgment will also result in the assessment of court costs and litigation tax as otherwise provided for under the Union City Municipal Code for non-parking offenses. The city may collect this debt and/or fine in the same manner as any other debt to the city.

(3) All revenues generated from fines, penalties, and assessments associated with the enforcement of this chapter and/or chapter 3 of title 15 of the Municipal Code of the City of Union City shall be applied to the costs incurred in administering the provisions of this chapter, including but not limited to, equipment costs, administrative costs, and associated processing costs. Any excess revenues shall then be limited to the payment of costs associated with traffic and safety education programs and thereafter shall be available for general government operating and capital expenditures.

(4) A violation for which a fine is imposed under this section shall not be considered a moving violation and may not be recorded by the Union City Police Department of the Tennessee Department of Safety on the driving record of the owner or driver of the vehicle and may not be considered in the provision of motor vehicle insurance coverage. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-806. Miscellaneous. All recorded images generated by the traffic control photograph system, including but not limited to, photographs, electronic

images, and videotape, shall be solely owned by the City of Union City. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. SIDEWALKS.

CHAPTER 1

MISCELLANEOUS

SECTION

16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Parades regulated.
16-111. Animals and vehicles on sidewalks.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1963 Code, § 12-301)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen (14) feet. Furthermore, no person shall plant or maintain any tree within the right of way of any street. (1963 Code, § 12-302)

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

---

[1]Municipal code reference
Related motor vehicle and traffic regulations: title 15.

persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1963 Code, § 12-303)

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] (1963 Code, § 12-304)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body. (1963 Code, § 12-305)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk. (1963 Code, § 12-306)

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, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1963 Code, § 12-307)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1963 Code, § 12-308)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1963 Code, § 12-309)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city clerk. No permit shall be issued by the city clerk unless such activity will not unreasonably interfere with traffic and unless such

---

[1]Municipal code reference
Building code: title 12, chapter 1.

representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1963 Code, § 12-310)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1963 Code, § 12-312)

CHAPTER 2

EXCAVATIONS AND CUTS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fee.
16-204. Manner of excavating--barricades and lights--temporary sidewalks.
16-205. Restoration of streets, etc.
16-206. Insurance.
16-207. Time limits.
16-208. Supervision.
16-209. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city clerk is open for business, and said permit shall be retroactive to the date when the work was begun. (1963 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the city clerk, or such person as he may designate to receive such applications, on forms prescribed by the city 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 such other information as may reasonably be deemed necessary by the city clerk. All applications shall be made in quintuplicate with one copy

---

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

being retained by the applicant, one going to the telephone company, one to the gas company, one to the director of public works and one to the city clerk. Each application shall be rejected or approved by the city clerk within twenty-four (24) hours of its filing. (1963 Code, § 12-102)

16-203. Fees. Charges for a permit to excavate city streets, alleys or public ways is hereby authorized and shall be in accordance with fees the municipality may from time to time adopt by resolution.

If, in the opinion of the director of public works or his representative, the costs to the city of repairing and/or resurfacing the excavation will exceed the fee established by resolution, it may be increased as reasonably necessary.

In the event the cost of repairs and/or resurfacing exceeds the fee paid for the permit the applicant shall pay such additional sum as necessary to compensate the city for its expense. (1963 Code, § 12-103)

16-204. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1963 Code, § 12-104)

16-205. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality at the applicant's expense. In case of unreasonable delay in restoring the street, alley, or public place, the city clerk shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1963 Code, § 12-105)

16-206. Insurance. 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 city clerk in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $100,000 for each person and $300,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate. (1963 Code, § 12-106)

16-207. 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. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city clerk. (1963 Code, § 12-107)

16-208. Supervision. The director of public works shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1963 Code, § 12-108)

16-209. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the director of public works. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street.

Upon denial of a permit by the director of public works, an applicant may file an appeal with the city council for a variance from the standards set forth above if such variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this section would result in unnecessary hardship. A variance from the terms of this section shall not be granted by the city council unless and until a written application for a variance is submitted demonstrating:

(1) That the space available for off-street parking on this lot is non-conforming;

(2) That the property was constructed prior to April 1, 1963;

(3) That this variance is being requested for only one driveway to serve this lot and not more than one variance for driveway be granted for any lot;

(4) That the variance being sought is for a driveway that would not exceed fifty (50) feet in width at its outer or street edge.

Any variance to the standards set out above must be approved by an affirmative vote of four members of the city council. (1963 Code, § 12-109)

CHAPTER 3

SIDEWALKS

SECTION

16-301. When abutting property owners are required to lay sidewalks.
16-302. Sidewalks to be laid according to prescribed specifications, etc.
16-303. Permit required for laying sidewalks; specifications.
16-304. Inspection and acceptance of sidewalks.
16-305. Abutting owners required to build, repair, and keep clean and open; failure; notice.
16-306. When city to build, repair, etc., at expense of abutting owner.
16-307. Special improvement tax for sidewalks.
16-308. Payment of tax in installments.
16-309. Abutting owners to keep sidewalks clean and unobstructed.
16-310. Sidewalks not to be rented, etc., for merchandising.
16-311. Permit for sidewalk work.
16-312. Rights of way for sidewalks to be kept unobstructed.
16-313. Littering sidewalks.
16-314. Animals and vehicles on sidewalks.
16-315. Permanent obstructions on sidewalks.
16-316. Barrels, boxes, etc. on sidewalks, etc.
16-317. Spitting on sidewalks, etc.
16-318. Drainage of water, etc., prohibited on sidewalks.
16-319. Slippery or unsafe sidewalks.
16-320. Trees and shrubbery over or near sidewalks.
16-321. Gates or doors not to open over sidewalks generally.
16-322. Metal drains across sidewalks.
16-323. Location of meter boxes, cut-off valves, etc.
16-324. Poles on sidewalks.
16-325. Goods not to be stored or displayed on sidewalks.
16-326. Utility poles.
16-327. Defacing signs, etc., on poles.
16-328. Doors in sidewalks.
16-329. Improperly drained sidewalks.
16-330. Unguarded openings in sidewalks prohibited.
16-331. Signs, etc., over sidewalks.
16-332. Obstruction of gutters prohibited.
16-333. Letters, numbers, etc., in sidewalks.
16-334. Violations.
16-335. Enforcement of chapter.

16-301. When abutting property owners are required to lay sidewalks. The owners of every lot and parcel of land abutting on any street,

alley, avenue, parkway, boulevard or other public thoroughfare of the City of Union City, Tennessee, for which an established grade has been lawfully fixed, shall be and is hereby required to lay in front of his property a concrete sidewalk in accordance with the specifications hereinafter set out, when ordered to do so by the city council. It shall be mandatory that sidewalks be placed in all business and commercial areas. When, in the opinion of the city council, sidewalks are necessary for the comfort, safety and general welfare of the public, they shall be placed adjoining any street or public thoroughfare as ordered and directed by the city council. (1963 Code, § 12-401)

16-302. Sidewalks to be laid according to prescribed specifications, etc. Whenever it becomes necessary to relay sidewalks or when any sidewalks are lawfully ordered to be made, or are laid or repaired on all streets on which concrete curbs have been set or on streets which have been brought to the established grade, such sidewalks shall be laid or repaired with concrete in accordance with lines and grades established by the city manager or his duly authorized representative and in strict accordance with the specifications hereinafter set out. (1963 Code, § 12-402)

16-303. Permit required for laying sidewalks; specifications. All sidewalks, however ordered, shall not be laid without a permit from the city manager or his duly authorized representative and under the conditions and pursuant to the directions contained in said permit. The width of all sidewalks built on any and all streets within the City of Union City, Tennessee, shall be determined by the city manager or his duly authorized representative; however, in no case shall the width be less than four (4) feet. Sidewalks constructed under these specifications shall be of concrete four (4) inches thick.

GENERAL SPECIFICATIONS

(1) Description - concrete. Concrete shall be composed of Portland Cement, fine aggregate, coarse aggregate, and water, so proportioned and mixed as to produce a plastic workable mixture in accordance with all requirements under this section and suitable to the specific conditions of placement.

No admixtures shall be added to the concrete mix except those approved by the city engineer, city manager, or their authorized representative.

The concrete mix to be used under these specifications shall be approved by the city engineer, city manager or their authorized representative.

The mix will be designed to secure concrete having a minimum of 3,000 pounds per square inch compressive strength at the age of 28 days.

(2) Materials. (a) Cement. Cement for all concrete shall conform to the latest standard specifications for "Portland Cement," ASTM Designation C 150 Type 1; or "Air-Entraining Portland Cement," ASTM Designation C 175 Type 1-A.

(b) Fine aggregate. Fine aggregate shall consist of natural sand having clean, hard, strong, durable, uncoated grains. When incorporated in the mixture, the fine aggregate shall be free from frost, frozen lumps, injurious amounts of dust, mica, soft or flaky particles, shale, alkali, organic matter, loam or deleterious substances. It shall be uniformly graded between the one-fourth inch and the 100 mesh sieves, not more than 25 percent of the material shall pass a 50 mesh sieve and not more than 3 percent of dry material by weight shall pass the 100 mesh sieve.

(c) Coarse aggregate. Coarse aggregate shall be uniformly graded crushed stone, washed gravel or other inert materials of similar characteristics having hard, strong, durable pieces, free from adherent coatings. Maximum size of pieces shall be 1-1/2 inch down to a minimum of 1/4 inch.

(d) Water. Water shall be clean, and free from injurious amounts of oils, acids, alkalies, organic materials, or other deleterious substances.

(3) Concrete mix. Concrete shall be furnished by approved ready mixed plants, when available for the project. Ready mixed concrete shall conform to the latest ASTM Specifications C-94, except that cement and aggregate shall be as specified herein. Each cubic yard of concrete shall contain not less than 6.0 bags, 564.0 pounds of cement. The total water content including surface moisture in the aggregate, shall be not more than 6.0 gallons per sack of cement.

The slump shall be between 2 inches and 4 inches when tested in accordance with the latest ASTM Designation C-143, "Method of Test for Consistency of Portland Cement Concrete."

The total aggregate content per cubic yard shall be determined by an independent testing laboratory after samples of the coarse and fine aggregate have been submitted to them for determination of their respective, specific gravities. The laboratory shall also determine the optimum ratio of fine aggregate to coarse aggregate.

(4) Finishing and protection. Concrete shall be struck off with a transverse template resting on the side forms and then floated with a 10-foot longitudinal float working transversely across the sidewalk. Concrete shall be given a wooden float finish just prior to the final set so as to produce a sandy texture. Maximum allowable variations will be 1/4 inch to 10 feet longitudinally and 1/8 inch to 5 feet transversely. The edges of sidewalks shall be rounded with an edging tool having a radius of 1/2 inch.

The surface of sidewalks shall be divided into blocks with an edging tool. Blocks shall be approximately 5 feet in length. Grooves shall be cut to a depth of 1 inch and edged with an edging tool having a radius of 114 inch.

Immediately after finishing the concrete, it shall be covered with moist burlap, cotton, jute, plastic, etc., and kept moist for a period of not less than 72

hours. In lieu of moist curing, the concrete may be sprayed with an approved white membrane curing compound.

No pedestrian traffic will be allowed on the finished surface for a period of 24 hours. No vehicle will be allowed on the finished surface until the concrete has obtained sufficient strength to bear the load.

Retempering, that is, remixing with additional water, mortar or concrete that has partially hardened, will not be permitted.

(5) Joints. Expansion joints shall be placed at intervals of approximately 60 feet. Expansion joints shall be 3/4 inch in width. Approved premolded expansion joint material shall be used, trimmed to 1/2 inch below the surface.

Expansion joint material shall be placed at each intersection of sidewalk and street curb and at such other joints as may be designated by the city engineer, city manager or their authorized representative. Sidewalks shall be separated from abutting buildings and/or other structures by a 3/4 inch expansion joint.

(6) Grading. Excavating or grading shall be done to a depth below the top of the surface of an intended pavement, equal to the thickness of the finished walk and in exact conformity to the grade stake set by the city manager or his authorized representative. Any and all filling required to bring the subgrade to the proper level shall be laid in thin layers and shall be thoroughly rammed until it has been made compact and solid. The subgrade shall be damp prior to placing the concrete.

(7) Forms. The forms shall be well staked and set to the established lines and their upper edges shall conform to the grade of the finished walk, which shall have 1/4 of an inch per foot fall from the lot line toward the curb line to provide for drainage. All grass plots shall have a 1 inch fall per foot if less than 2 feet 6 inches wide, and a 1/2 inch per foot fall if over 2 feet 6 inches wide, to provide for proper drainage. (1963 Code, § 12-403)

16-304. Inspection and acceptance of sidewalks. The laying of such sidewalks and the material and component parts thereof shall be under the inspection and subject to the acceptance of the city engineer, or city manager, or, his authorized representative and no such sidewalks shall be taken to have been laid in compliance with the ordinances of the City of Union City until the same shall have been inspected and accepted by the city engineer, or city manager, or their authorized representatives. (1963 Code, § 12-404)

16-305. Abutting owners required to build, repair, and keep clean and open; failure; notice. It shall be the duty of every owner of property within the limits of the City of Union City abutting on or adjacent to any street or public highway, to build, repair, keep clean and open for public passage all public sidewalks abutting on or adjacent to such property. Whenever it is made to appear to the city engineer, city manager, or his lawfully authorized

representative, that there has been a failure on the part of the owner, or owners, of such property to build, repair, keep clean and open for public passage any such sidewalk abutting on or adjacent to such property, the city engineer, city manager, or his duly authorized agent shall give notice to such owner, or his duly authorized agent, of the failure of such owner to build, repair, keep clean and open for public passage, such sidewalk. Such notice may be given either by personal service on the owner or his duly authorized agent, or by registered letter addressed to the last known place of residence of such owner, or his duly authorized agent, and proof of the mailing of such registered letter by the city engineer, city manager or his dully authorized representative, shall be complete compliance with the provisions of this chapter. In the cases of non-resident or unknown owners, a publication of said notice by one insertion in a daily newspaper published in the City of Union City shall be a complete compliance with the provisions of this chapter as to notice.

Such notice shall in each case specify what is required of the owner with respect to the sidewalk, and the notice shall advise the owner that unless the requirement is carried out within thirty (30) days of the date of service, mailing or publication of the notice, the necessary work, will be done by the City of Union City, at the expense of the owner. (1963 Code, § 12-405)

16-306. When city to build, repair, etc., at expense of abutting owner. Upon the failure, refusal or neglect of any person so notified to comply with the terms and orders of such notice, the city engineer, or city manager, is hereby authorized to build, repair, keep clean and open for public passage any sidewalk abutting on or adjacent to the property of the person owning or controlling same, and the cost of such work shall be a lien on said property, to be enforced by suit in any court of competent jurisdiction. (1963 Code, § 12-406)

16-307. Special improvement tax for sidewalks. As an additional and cumulative remedy, the city engineer, or city manager may certify to the city clerk, the cost of such work, and it shall be the duty of the city clerk to place the amount so certified on the bill for city taxes assessed against the property abutting on or adjacent to the sidewalk laid, and it shall be the duty of the city clerk to collect, as a special tax, the amount so certified, which is hereby declared to be a special improvement tax on the property abutting on or adjacent to such sidewalks. Said special tax may be collected as other general taxes are collected by the City of Union City. (1963 Code, § 12-407)

16-308. Payment of tax in installments. The special tax levied under provisions of this chapter may be paid by the abutting property owners, in four (4) equal installments plus six percent (6%) interest if he elects to do so, by signing a written request and agreement electing to pay in four (4) equal installments, said installments will be payable each year and collected when and as the general taxes of the city are paid. It is further ordained that said

election and agreement will in no wise affect the lien for said special tax. (1963 Code, § 12-408)

16-309. Abutting owners to keep sidewalks clean and unobstructed. Every owner, tenant, leasee or occupant of any building or lot, whether vacant or occupied, within the City of Union City, shall keep, or cause to be kept, the sidewalks in front of such property, or adjacent to or abutting thereon, free from mud, weeds, grass, noxious growth, obstructions, encumbrances, trash, debris and foreign substances of every kind. And every owner of any building or lot, whether vacant or occupied, within the City of Union City shall keep the sidewalks in front of such property, or adjacent to or abutting thereon, in good repair and condition.

All sidewalks shall be kept free from ice or snow; provided, however, that tightly adhering ice may be sprinkled with sawdust, ashes or sand, so as to make the use of the sidewalk by pedestrians safe. (1963 Code, § 12-409)

16-310. Sidewalks not to be rented, etc., for merchandising. It shall be unlawful for any person to rent, lease or let to another any portion of the sidewalks of the City of Union City for the purpose of selling fruits, vegetables, newspapers, magazines, or any class of merchandise thereon. (1963 Code, § 12-410)

16-311. Permit for sidewalk work. It shall be a misdemeanor for any person to lay, construct, build or repair a sidewalk, hire others to work upon, or knowingly permit work to be done on any part of a sidewalk or street from the curb to the property line without first obtaining for such work a permit from the city engineer, or city manager, which permit shall state the place where the work is to be done, the nature of the work, and the material with which such work is to be constructed. The work embraced in this section shall not be held to include the removal of grass, weeds, trash, debris or other obstructions which can be done without damage to the surface of such sidewalk, or which can be done, without endangering the safety of persons lawfully using such sidewalk. (1963 Code, § 12-411)

16-312. Rights of way for sidewalks to be kept unobstructed. On streets or avenues having no sidewalks the owners of abutting and adjacent property to such streets are required to keep the space provided for walkway or passageway for pedestrians in front of their properties in safe condition, free from all obstructions, excavations, grass, weeds, trash, debris or other substances or material which may interfere with the free use of such passageway by the public. (1963 Code, § 12-412)

16-313. Littering sidewalks. It shall be a misdemeanor for any person to place any straw, dirt, chips, shells, swill, nails, iron, glass, fruit peeling,

melon rinds, paper, shavings, rags, hair or any other substance or thing on any sidewalk in the City of Union City, unless within a lawful container, and it shall be unlawful for the owner, occupant, or lessee of any property abutting or adjacent to such sidewalk to knowingly permit such foreign substance to remain on such sidewalk in front of his property, house, lot or place of business, unless within a lawful container. (1963 Code, § 12-413)

16-314. Animals and vehicles on sidewalks. It shall be a misdemeanor for any person in the city to lead, drive, place or permit to remain, any horse, cow, goats, sheep, hog or beast of burden, automobile or other vehicle, other than a perambulator or baby carriage, on any sidewalk or footway otherwise than in crossing a sidewalk on any driveway leading into or out of any premises. (1963 Code, § 12-414)

16-315. Permanent obstructions on sidewalks. It shall be a misdemeanor to place, or cause to be placed, any manner of buildings, erections, depositories or other obstructions, with any sort of permanency for private use, benefit or profit upon any part or portion of the public grounds, thoroughfares or passageways of the city, without express permission from the mayor and councilmen. (1963 Code, § 12-415)

16-316. Barrels, boxes, etc., on sidewalks, etc. It shall be a misdemeanor to obstruct any street, alley or sidewalk with boxes, barrels or other things interfering with the free passageway of the public, or which may render such street, alley or sidewalk unsafe for public travel. (1963 Code, § 12-416)

16-317. Spitting on sidewalks, etc. It shall be a misdemeanor for any person to spit on any sidewalk within the limits of the City of Union City, or upon any crosswalk set apart for pedestrians in crossing streets, or upon the walks in any public square. (1963 Code, § 12-417)

16-318. Drainage of water, etc., prohibited on sidewalks. No person, whether owner, lessee, tenant or occupant of any house or building shall permit any water or other liquid to run or drip from or out of his building upon or across any sidewalk, and if such water or other liquid shall be carried on to the street, same shall be confined in pipe, tile or other enclosed passageway, which shall be constructed of suitable strength and material underneath the surface of such sidewalk, and shall at all times be kept in repair and adequate to handle the waters or other liquids flowing into such street. No such water, or liquid or ice therefrom shall be allowed to gather or remain or drip upon the upper surface of such sidewalk or passageway. No stormwater shall be allowed to fall through downpipes from any building upon the sidewalks or street, or across any sidewalk, but shall be conducted by down pipe or gutter under the

sidewalk to the street gutter; provided, however, that it shall be lawful for such stormwaters, when conducted to alleys, to be conducted in the surface of such alleys, provided that all down spouts are to be kept in good repair from ground level to roof. (1963 Code, § 12-418)

16-319. Slippery or unsafe sidewalks. It shall be unlawful for any person to permit to remain on or in any sidewalk adjacent to or adjoining his property, dwelling house, store building or other property, any tile or other material which may through use become slippery or unsafe for public travel. It shall be the duty of the city engineer, or city manager, or his duly authorized representative to order existing sidewalks which have become slippery or unsafe to be removed or made safe, and sidewalks according to the specifications hereinbefore set out to be laid. And the notice and remedies of the city for the failure of any such person to obey such lawful order shall be the same as prescribed in the preceding sections of this chapter. (1963 Code, § 12-419)

16-320. Trees and shrubbery over or near sidewalks. It shall be a misdemeanor to permit shrubbery, hedges or foliage of any kind to project over sidewalks so as to interfere with the free use of such sidewalks by pedestrians. All trees upon or near sidewalks shall be so trimmed that the lower branches thereof are not less than eight (8) feet above the sidewalk. (1963 Code, § 12-420)

16-321. Gates or doors not to open over sidewalks generally. It shall be a misdemeanor to permit any gate or door to open outwardly upon or across a sidewalk or driveway except where required by statute. (1963 Code, § 12-421)

16-322. Metal drains across sidewalks. It shall be a misdemeanor to permit any iron or metal drain across a sidewalk unless the top of such drain shall be roughened in an approved manner and be level or flush with the surface of the walk and securely bolted or riveted to the body of said drain. (1963 Code, § 12-422)

16-323. Location of meter boxes, cut-off valves, etc. Wherever possible meter boxes, cut-off valves, and like instrumentalities shall be placed in the grass plot between the sidewalk and curb; but where no grass plot exists, such meter boxes, cut-off valves and other like instrumentalities shall be placed adjacent to the curb. (1963 Code, § 12-423)

16-324. Poles on sidewalks. It shall be a misdemeanor to set or install in any concrete sidewalk any pole or post without properly concreting around the base of same within thirty (30) days after installation. (1963 Code, § 12-424)

16-325. <u>Goods not to be stored or displayed on sidewalks</u>. It shall be a misdemeanor to use any part of any sidewalk between the private property line and curb for the storage of goods, merchandise or other material or for the purpose of displaying goods or articles for sale or barter. (1963 Code, § 12-425)

16-326. <u>Utility poles</u>. It shall be a misdemeanor for any telegraph, telephone, gas, electric light, or any other public utility to erect, maintain or allow to remain, in any sidewalk, any pole or post, unless there shall be visibly pinned or securely affixed to such pole or post some device, character, sign or other symbol which shall be legible, and shall not be affixed at greater height than eight (8) feet from the surface of the sidewalk. All persons now maintaining such poles in any sidewalk shall comply with the provisions of this section within thirty (30) days after the final passage of the ordinance comprising this chapter. (1963 Code, § 12-426)

16-327. <u>Defacing signs, etc., on poles</u>. It shall be a misdemeanor for any person to efface, deface, or to otherwise make illegible any such device, character, sign or symbol affixed to any pole or post in any sidewalk. (1963 Code, § 12-427)

16-328. <u>Doors in sidewalks</u>. Every opening in the paved sidewalk leading into an area or vault beneath the surface of such sidewalk, or into a cellar or basement, shall be fitted with an iron grating or cover, or by prism glass squarely set in iron frames, which shall be flush with the level of the sidewalk. Glass settings shall be not larger than four (4) square inches each, and set in concrete or flagging even with the surface of the sidewalk, said cover, grating or prism covering shall have no lock, hinges or any fastening projecting above the sidewalk, and shall be secured in such manner as to prevent accident to anyone passing over same. Any grating or cover as aforesaid shall not be permitted to become slippery, or unsafe to users of such sidewalk. (1963 Code, § 12-428)

16-329. <u>Improperly drained sidewalks</u>. It shall be a misdemeanor to permit any sidewalk to remain which does not properly drain stormwater, or which permits water to lie upon the surface thereof. (1963 Code, § 12-429)

16-330. <u>Unguarded openings in sidewalks prohibited</u>. It shall be a misdemeanor to leave open or unguarded any cellar or vault door, or grating on any sidewalk, or to suffer any sidewalk in front of, abutting on or adjacent to any lot, building or premises owned or occupied by any person to become or continue so broken or out of repair as to endanger the safety of pedestrians or others lawfully using the sidewalk; or to permit any unguarded hole or other opening to remain open and uncovered in any sidewalk. (1963 Code, § 12-430)

16-331. Signs, etc., over sidewalks. No awning shall be permitted on any street, roadway, place or alley or on any building fronting the street, so as to obstruct the sidewalk, or so as to endanger the safety of persons passing under them. Awnings or marquees shall be not less than nine (9) feet above the surface of the sidewalk. No sign board shall be erected across any sidewalk, the bottom of which is less than nine (9) feet from the surface of the sidewalk, nor shall any sign board be erected so as to in any manner obstruct any sidewalk. (1963 Code, § 12-431)

16-332. Obstruction of gutters prohibited. It shall be a misdemeanor to obstruct any gutter adjoining a sidewalk with dirt, gravel, sand or other substance, bridge or thing which will prevent the free and unobstructed flow of water in such gutter. (1963 Code, § 12-432)

16-333. Letters, numbers, etc., in sidewalks. It shall be a misdemeanor for any person to erect on, in or about any sidewalk, or to permit on, in or about any sidewalk adjacent to his premises, any character, device, letters or numbers of any material, so constructed as to interfere with the free and safe use of any sidewalk. It shall be a misdemeanor for any person maintaining in any sidewalk any such character, device, letter or number to permit same to become slippery, or otherwise dangerous to those using the sidewalk. (1963 Code, § 12-433)

16-334. Violations. The word "person," as used in this chapter, shall be held to include the singular and plural, and a firm, corporation or association. Any person, as thus defined, owning, occupying, leasing or otherwise having control of any sidewalk or property adjacent to, or abutting on, any public sidewalk, upon whom a duty is placed with reference to sidewalks by the laws of the State of Tennessee, or by the provisions of this chapter, who violates any provisions of this chapter, shall be guilty of a misdemeanor. (1963 Code, § 12-434)

16-335. Enforcement of chapter. The city manager shall employ an inspector, to be known as the building and/or sidewalk inspector, whose duty it shall be to enforce the provisions of this chapter, under the direction of the city manager. (1963 Code, § 12-435)

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

17-101. Premises to be kept clean.
17-102. Definitions.
17-103. Storage of refuse generally.
17-104. Confiscation of unsatisfactory refuse containers.
17-105. Refuse not to be collected unless properly stored.
17-106. Collection of refuse.
17-107. Disposal of refuse.
17-108. Dumping in streams, sewers and drains prohibited.
17-109. Service of orders, etc.
17-110. Pilfering, etc.
17-111. Refuse collection and/or disposal service charges.
17-112. Violations.
17-113. Contract for refuse collection authorized.

17-101. Premises to be kept clean. All persons, firms and corporations within the corporate limits are hereby required to keep their premises in a clean and sanitary condition, free from the accumulation of refuse, offal, filth and trash. They are hereby required to store such refuse in sanitary containers of the type described in this chapter between the intervals of collections or to dispose of such material in a manner prescribed by the director of public works so as not to cause a nuisance or become injurious to the public health and welfare. (1963 Code, § 8-101)

17-102. Definitions. The term "refuse" shall mean and include garbage, rubbish, ashes and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, recognizable industrial by-products, and similar materials are expressly excluded therefrom and shall not be stored therewith.

---

[1]Municipal code reference
Property maintenance regulations: title 13.

The term "collector" shall mean any person, firm or corporation that collects, transports or disposes of any refuse within the corporate limits. (1963 Code, § 8-102)

17-103. Storage of refuse generally. Each owner, occupant, or other responsible person using or occupying any building, house, structure or grounds where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, shall provide an adequate method of storing such refuse for collection.

The director of public works shall prescribe standards for approved methods of storing refuse. Any such standards will become effective only after the director of public works has filed such standards, or any amendments thereto, with the city clerk; and such standards shall continue in full force and effect until amended or rescinded by the director of public works.

Refuse containers shall, if the property abuts on a public alley which is in use, be placed at some point near, but not within the alley so as to be convenient for the collectors. If the property does not abut on an alley, then the refuse containers shall be placed in such location as may be designated by the official refuse collection agency as convenient for collection.

Wet refuse shall be drained of all liquids and wrapped in paper or some other equivalent material before it is placed in a refuse container. Refuse containers shall be maintained in a clean and sanitary manner. They shall be thoroughly cleaned as often as necessary to prevent the breeding of flies, etc., and the occurrence of offensive odors. (1963 Code, § 8-103)

17-104. Confiscation of unsatisfactory refuse containers. The sanitation division is hereby authorized to confiscate or to remove unsatisfactory refuse containers from the premises of residences and establishments, public and private, when in discretion of the director of public works such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory refuse containers shall be removed and disposed of at a place and in a manner designated by the sanitation division, after the owner or owners have been duly notified of such impending action. (1963 Code, § 8-104)

17-105. Refuse not to be collected unless properly stored. In no case will it be the responsibility of the sanitation division to shovel or pick up from the ground any accumulations of refuse, including leaves, lawn clippings, brush, packing materials, etc. All such materials are to be placed in containers which will meet with the approval of the director of public works and the requirements of the sanitation division. (1963 Code, § 8-105)

17-106. Collection of refuse. Refuse shall be collected in accordance with the following provisions:

(1) Collection interval. All refuse shall be collected sufficiently frequently to prevent the occurrence of nuisances and public health problems and at intervals of at least once in seven (7) days. The collection of refuse shall be under the supervision of the director of public works.

(2) Permits. No person, firm or corporation shall engage in the business of collecting refuse unless he has a permit from the director of public works. Such a permit may be issued only after the applicant's capability of complying with the requirements of this chapter have been fully determined. Any such permit may be suspended or revoked for the violation of any of the terms of this chapter.

(3) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleaned 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 and alleys.

(4) Refuse from construction, demolition or repairs; heavy items. In no case will it be the responsibility of the sanitation division to collect refuse resulting from construction, demolition or repairs of buildings, structures or appurtenances; nor will it be the responsibility of the sanitation division to collect any refuse of such bulk or weight that it cannot be loaded by two (2) men to a truck bed which is 42 inches above the street level.

(5) Non-scheduled collections. The sanitation division will collect on a non-scheduled basis, without charges, tree branches, hedge clippings, leaves and similar refuse. Such refuse must be placed in windrows adjacent to the curb. In no case may windrows of leaves be extended more than six (6) feet back from the curb line. (1963 Code, § 8-106, as amended by Ord. #132-14, Feb. 2014)

17-107. Disposal of refuse. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated by the city council is expressly prohibited. The disposal of refuse shall be by methods approved by the sanitation division and shall provide for the maximum practical rodent, insect and nuisance control at the place of disposal. (1963 Code, § 8-107)

17-108. Dumping in streams, sewers and drains prohibited. It shall be unlawful for any person to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer or other drain within the corporate limits unless such refuse is processed through an approved disposal unit. (1963 Code, § 8-108)

17-109. Service of orders, etc. Where violations of this chapter are known to exist it shall be the duty of the director of public works or his duly

authorized representative to issue orders requiring such corrective action as may be necessary. (1963 Code, § 8-109)

17-110. Pilfering, etc. No person shall rifle, pilfer or dig into or in any manner disturb refuse containers which have been set out at households or business places for collection.

It shall be unlawful for any person to rifle, pilfer, dig into or disturb in any manner refuse at any disposal site designated by the city council; and it shall be unlawful for any person to loiter about any such disposal site. (1963 Code, § 8-110)

17-111. Refuse collection and/or disposal service charges. The monthly charge for refuse collection and/or disposal service rendered to commercial and/or industrial establishments and to each owner, occupant, or other responsible person using or occupying any building, house, structure, apartment or dwelling unit as a residence, shall be in accordance with a schedule of fees, as the municipality may from time to time adopt by resolution.

Commercial and residential monthly service charges shall be billed at the same time and upon the same statement as for water service charges and sewer service charges, and shall be due and payable at the same time and under the same conditions and terms as are the water and sewer service charges. In those cases where more than one commercial establishment, owner, occupant or other responsible person receives water service from a single water meter, the monthly service charge for each such commercial or residential unit shall be billed to the person, firm or corporation in whose name such water meter is listed or recorded on the records of the city.

Non-metered grounds or structures shall pay monthly refuse collection and/or disposal service charges at the same rate as other commercial establishments.

Group meetings and traveling shows such as circuses, carnivals, rodeos, minstrels, etc., shall pay the city for cleaning up and hauling off their refuse or contract for a service approved by the city health officer. The charge for such service shall be determined by the city council and shall be paid to the city clerk at the time the license or permit to exhibit is issued. (1963 Code, § 8-111)

17-112. Violations. Any person, firm or corporation who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice or order issued by the director of public works or superintendent of the sanitation division with reference to the storage, accumulation or disposal of refuse as set forth in this chapter shall be guilty of a misdemeanor and shall be subject to a fine under the general penalty clause for this code. (1963 Code, § 8-112)

17-113. <u>Contract for refuse collection authorized</u>. The mayor and city manager are authorized and empowered to enter into a contract for garbage and refuse collection and disposal services. The contract shall provide:

(1) The term of the contract shall not exceed five (5) years, but it may be renewed from time to time as the mayor and council may, by resolution, direct and the contract may contain an option for the contractor to renew the contract on the same terms and conditions and for the same consideration for an additional term of five (5) years.

(2) The contractor shall be bonded with a corporate surety for the performance of the contract in an amount not less than the base consideration per year, stated or computed as required by the contract.

(3) The contractor shall be bonded with a corporate surety for the payment of labor and materials in a sum of at least one-fourth (1/4) of the consideration of the base contract annually, or any additional amount that may be required by state statute;

(4) The contract may contain such other terms, provisions, and conditions as in the discretion of the mayor and the city manager will assure the city of reasonable garbage, refuse and disposal services, including but not limited to the designation of places for garbage and refuse to be collected; schedules for the collection of garbage and refuse; use of a landfill or disposal site approved by the Department of Health of the State of Tennessee or any other public agency having jurisdiction over landfills or disposal sites; the use of the landfill or disposal site by Union City residents; the duties of the city manager, director of public works, or such other person as the city manager may designate, to perform duties in regard to the contract; provide for a schedule of fees to determine the base consideration for the contract per year as determined for pickups of garbage or refuse as provided in § 17-111 of the city code; and to set forth the way and manner in which garbage and refuse may be placed in containers, bags or receptacles for disposal by the contractor as required by the city code. (1963 Code, § 8-113)

TITLE 18

WATER AND SEWERS[1]

CHAPTER

1. WATER.
2. SEWER USE REGULATIONS.
3. SEWAGE.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
5. STORMWATER ORDINANCE.

CHAPTER 1

WATER

SECTION

18-101. Application and scope.
18-102. Definitions.
18-103. Obtaining service.
18-104. Application and contract for service.
18-105. Service charges for temporary service.
18-106. Connection charges.
18-107. Main extensions.
18-108. Limited service areas.
18-109. Variance from and effect of preceding rules as to extensions.
18-110. Meters.
18-111. Meter tests.
18-112. Schedule of rates.
18-113. Multiple services through a single meter.
18-114. Billing.
18-115. Discontinuance or refusal of service.
18-116. Reconnection charges.
18-117. Termination of service by customer.
18-118. Access to customer's premises.
18-119. Inspections.
18-120. Customer's responsibility for system's property.
18-121. Customer's responsibility for violations.
18-122. Supply and resale of water.
18-123. Unauthorized use or interference with water supply.
18-124. Limited use of unmetered private fire line.

---

[1]Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.

18-125. Damages to property due to water pressure.
18-126. Liability for cutoff failures.
18-127. Restricted use of water.
18-128. Interruption of service.
18-129. Fluoridation.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1963 Code, § 13-101)

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

(2) "Household" means any one (1) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the municipality to and including the water meter and meter box; provided that lines and/or meters installed for convenience of the customer to measure water that will not discharge into the municipality's sanitary sewer system will not be considered a service line.

(4) "Penalty date" shall mean the date ten (10) days after the due date of the bill, as established by the municipality except when some other date is provided by contract. The penalty date is the last date upon which water bills can be paid at net rates.

(5) "Single-family dwelling" means any single structure with auxiliary buildings, occupied by one household for residential purposes.

(6) "Multiple-family dwelling" means any structure designed for, or occupied by, more than one (1) and less than four (4) households with separate housekeeping and cooking facilities for each, for residential purposes.

(7) "Apartment building" means a single structure designed for, or occupied by four (4) or more households with separate housekeeping and cooking facilities for each, for residential purposes.

(8) "Unit" means a single household, with separate housekeeping and cooking facilities or single business.

(9) "Business" means any commercial or industrial establishment offering merchandise and/or services from a single outlet.

(10) "Tap and service fee" means the charge for providing service to a point back of the curb, assuming said curb line exists, and does not, in any manner, relate to materials and/or labor for providing said service. (1963 Code, § 13-102)

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. (1963 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take the 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 said 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 these rules, regulations and general practice, the liability of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1963 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1963 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the city from the water main to a point near the property line at the expense of the applicant for the service. The location of such lines shall be determined by the city.

Before a new service line will be laid by the city, the applicant shall pay a tap and service fee under such rate schedules as the city may from time to time adopt by resolution.[1] (1963 Code, § 13-106)

18-107. Main extensions. The extension of water mains and appurtenances shall be subject to approval by the mayor and council. Prospective customers and/or developers requesting mains and appurtenances, extensions to any area outside the corporate limits and/or any undeveloped area within the corporate limits will pay all costs of installation, except as provided, hereinafter, and be subject to standards and regulations adopted by the city. Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. The provisions of title 18, chapter 1, and its sections shall apply to all areas where the municipality provides service.

---

[1]Resolutions are of record in the office of the city clerk.

For installations under this section, cement-lined cast iron pipe, Class 150 American Water Works Association Standard, Class 150 asbestos cement water pipe, or ductile iron pipe and any other pipe approved by the American Water Works Association, if recommended by the director of public works and approved by the mayor and councilmen will be used. Pipe not less than six (6) inches in diameter shall be used in any main installed, on public property or easements granted to the city, as an integral part of the city's public water system; provided that, under certain conditions, primarily in rural areas, approved by the director of public works, smaller lines may be used for distribution to a limited number of customers on existing public roads or for circulation of water in limited areas. No line with diameter of less than six (6) inches may be used where fire protection may be required.

The city reserves the option to provide lines and appurtenances with diameter greater than minimum standards required for service area; provided, that, the mayor and councilmen exercise the option, the city will assume cost of pipe and appurtenances in excess of minimum standards.

All lines and appurtenances shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality.

Fire hydrants will be installed on all mains where accessible to fire fighting apparatus at a distance not to exceed seven hundred (700) feet between hydrants. (1963 Code, § 13-107)

18-108. <u>Limited service areas</u>. In rural areas where limited water service is provided, as authorized in § 18-107, the customer will pay all costs of materials and the city may provide labor cost for installation of line and appurtenances. The customer shall execute a rural water service contract as prepared and approved by the city manager. The customer will be required to pay tap and service fees and other appropriate charges as required by city policy or code. The city reserves the sole right of decision for such installation and to limit number of customers served by any water line or less than six (6) inches in diameter wherever it may be located.

The authority to make water main extensions contained in this section is permissive only and nothing contained herein shall be construed as permitting any person or persons to install mains or extensions to serve subdivisions or multiple lot developments, except as provided in § 18-107, or current subdivision regulations. (1963 Code, § 13-108)

18-109. <u>Variances from and effect of preceding rules as to extensions</u>. Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the governing body. The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained

therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1963 Code, § 13-109)

18-110. Meters. All meters shall be installed, tested, repaired, and removed 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. (1963 Code, § 13-110)

18-111. 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:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in accordance with fees the municipality may from time to time adopt by resolution.[1] 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. (1963 Code, § 13-111)

18-112. Schedule of rates. All water furnished by the municipality shall be measured or estimated in gallons to the nearest multiple of 1,000 and shall be furnished under such rate schedules as the municipality may from time to time adopt by resolution.[1] (1963 Code, § 13-112)

18-113. Multiple services through a single meter. No customer shall supply water service to more than one business, single or multiple family

---

[1]Resolutions are of record in the office of the city clerk.

dwelling from a single service line and meter; provided, that an apartment or business building containing four (4) or more households, offices or business units may, upon receiving written permission of the municipality, receive water service from a single meter registered in the name of the owner, manager or agent of the property. Multiple buildings and/or structures will not be served from a single meter, except as provided below.

Where the municipality allows more than one such single-family or multiple-family dwelling, or business to be served, through a single service line and meter, the amount of water used by all the offices, households, and/or business units served through a single service line and meter shall be allocated to each separate such unit served. The water charge, for each such unit thus served, shall be computed just as if each such unit 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 rate schedule, including the provisions as to minimum bills for the size meter ordinarily used to serve such unit. The separate charges for each unit served through a single service line and meter shall then be added together, and the sum thereof shall be billed, to the customer in whose name the service is supplied.

Provided, however, that this provision relating to multiple services through a single meter shall not pertain to the sale of water where such sale is made to a Public Housing Authority and/or a non-profit organization sponsoring low rent or rent supplement housing projects. A single service line and water meter may be permitted for each separate Public Housing Authority project, and/or, each group or complex of buildings, sponsored by a non-profit organization for use by low income residents, approved, by the municipality. The service will be billed at the established rate. Any change in status of ownership to private or profit-making organization shall void privileges granted in this paragraph. (1963 Code, § 13-113)

18-114. <u>Billing</u>. Bills for residential service will be rendered monthly on billing dates and/or periods specified by the municipality.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Water bills must be paid on or before the penalty date shown thereon in order 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 penalty date.

In the event a bill is not paid on or before the penalty date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the penalty date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made any time on the date that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Saturday, Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount. (1963 Code, § 13-114)

18-115. Discontinuance or refusal of service. The governing body shall have the right to discontinue 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 service received through a single connection or service, even though more than one 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. (1963 Code, § 13-115)

18-116. Reconnection charges. Whenever service has been discontinued as provided for above, a reconnection charge in accordance with fees the municipality may from time to time adopt by resolution[1] shall be collected by the city clerk before service is restored. (1963 Code, § 13-116)

18-117. 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

---

[1]Resolutions are of record in the office of the city clerk.

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 such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the 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. (1963 Code, § 13-117)

18-118. Access to customer's 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 customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1963 Code, § 13-118)

18-119. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or 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. (1963 Code, § 13-119)

18-120. 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 same, the cost of necessary repairs or replacements shall be paid by the customer. (1963 Code, § 13-120)

18-121. Customer's responsibility for violations. Where the municipality furnishes water 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. (1963 Code, § 13-121)

18-122. 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. (1963 Code, § 13-122)

18-123. Unauthorized use 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. (1963 Code, § 13-123)

18-124. 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. (1963 Code, § 13-124)

18-125. 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. (1963 Code, § 13-125)

18-126. 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 a 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. (1963 Code, § 13-126)

18-127. 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. (1963 Code, § 13-127)

18-128. Interruption of service. The municipality will endeavor to furnish continuous water 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 system, 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. (1963 Code, § 13-128)

18-129. Fluoridation. The director of the water-wastewater control department, working in cooperation with the state health department is hereby authorized to introduce fluoride in the city water system in accordance with current federal and state laws and, regulations. (1963 Code, § 13-129)

CHAPTER 2

SEWER USE REGULATIONS[1]

SECTION

18-201. General provisions.
18-202. General sewer use requirements.
18-203. Pretreatment of wastewater.
18-204. Individual wastewater discharge permits.
18-205. Individual wastewater discharge permit issuance.
18-206. Reporting requirements.
18-207. Compliance monitoring.
18-208. Confidential information.
18-209. Publication of users in significant noncompliance.
18-210. Administrative enforcement remedies.
18-211. Judicial enforcement remedies.
18-212. Affirmative defenses to discharge violations.
18-213. Fees.
18-214. Severability.

18-201. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the City of Union City, Tennessee (hereinafter referred to as "the city") and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1972, as amended, and the General Pretreatment Regulations (40 CFR part 403).

The objectives of this chapter are:

(a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with the operation of the system or contaminate any sludge resulting from the treatment of wastewater;

(b) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

(c) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To improve the opportunity to recycle and reclaim wastewater and sludges from the POTW;

---

[1]Appendix A to Ordinance #147-15, Dec. 2014 which replaced this chapter is of record in the office of the city recorder.

(e) To provide for equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

(f) To provide the City of Union City, Tennessee to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and an other federal or state laws to which the POTW is subject.

This chapter provides for the regulation of contributors to the POTW through the issuance of permits and through enforcement of general requirements, authorizes monitoring and enforcement activities, requires user reporting, assumes that capacity of existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the POTW.

(2) Administration. Except as otherwise provided herein; the control authority shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the control authority may be delegated by the control authority to a duly authorized representative of the city.

(3) Abbreviations. The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD_5	Biochemical Oxygen Demand--5 day
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil, and Grease
gpd	gallons per day
IU	Industrial User
lb	Pounds
mg/L	milligrams per liter
NAICS	North American Industry Classification System
NH_3-N	Ammonia Nitrogen
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act

SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code

(4) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(a) "Act" or "the Act." The Federal Water Pollution Control Act, enacted by Public Law 92-500, October 18, 1972, 33 U.S.C. 1251, et seq.; as amended.

(b) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation or his authorized representative.

(c) "Authorized" or "duly authorized" representative of the user:

(i) If the user is a corporation:

(A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively; or

(iii) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(iv) The individuals described in subsections (i) through (iii) above, may designate a "duly authorized representative" if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the

facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the city.

(d) "Biological oxygen demand." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees Centigrade (20° C) expressed in terms of weight (lbs) and/or concentration (mg/l).

(e) "Best Management Practices (BMPS)." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-202(9) (Tennessee Rule 0400-40-14-.05(1)(a) and (2)). BMPS include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPS also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

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

(g) "Carbonaceous Biochemical Oxygen Demand (CBOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure defined at 40 CFR part 136, method 405.1 including the use of a nitrification inhibitor.

(h) "Categorical pretreatment standards" or "categorical standard." Limitations on pollutant discharges to POTW's promulgated by EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to specified process wastewaters of particular industrial categories defined at 40 CFR 403.6 and at 40 CFR chapter 1, subchapter N, parts 405 through 471.

(i) "Categorical industrial user." An industrial user subject to categorical pretreatment standards or categorical standard.

(j) "Chemical Oxygen Demand (COD)." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(k) "Chronic violation." Chronic violations of discharge limits, defined here as those which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period on a rolling quarter basis exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(l) "City." The City of Union City, Tennessee.

(m) "City council." The persons elected council of mayor and aldermen.

(n) "Control authority." The City of Union City, Tennessee, or a duly authorized representative of the City of Union City, Tennessee.

(o) "Conventional pollutants." Wastewater characteristics including Carbonaceous Biochemical Oxygen Demand (CBOD), Biochemical Oxygen Demand (BOD_5), Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH as defined at 40 CFR 401.16; and Ammonia Nitrogen (NH_3-N), Total Kjeldahl Nitrogen (TKN), and E. Coli bacteria.

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

(q) "Daily maximum limit." The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where maximum daily limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

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

(s) "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 and/or restroom wastes from commercial, institutional and industrial users.

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

(u) "Existing source." Any source of discharge that is not a "new source."

(v) "Grab sample." A sample that is collected from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(w) "Grease interceptor." An interceptor whose rated flow exceeds fifty (50) gpm and is located outside the building.

(x) "Grease trap." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.

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

(z) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b), (c), or (d) of the Act, into the POTW (including holding tank waste discharged into the POTW).

(aa) "Industrial User (IU)" or "user." Any person(s) who contributes causes or permits the contribution of wastewater into the city's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

(bb) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the wastewater flow rate and the duration of the sampling event.

(cc) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous, or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(dd) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the POTW treatment plant or the POTW wastewater transportation system.

(ee) "Local limit." Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-40-14-.05(1)(a) and (2).

(ff) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(gg) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(hh) "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" during that month.

(ii) "National Pollutant Discharge Elimination System (NPDES) permit." A permit issued to a POTW pursuant to section 402 of the Act.

(jj) "National pretreatment standard" or "standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 0400-40-14-.05.

(kk) "National prohibited discharges." Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

(ll) "New source." (i) Any building, structure, facility or installation from which there is or may be a discharge of

pollutants, the construction of which commenced after the publication of proposed national pretreatment standards promulgated under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

(A) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(C) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of any existing source at the same site. In determining whether the production of wastewater generating processes of the building, structure, facility or installation are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source will be considered.

(ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of section (i)(B) or (C) above, but otherwise alters, replaces or adds to existing process or production equipment.

(iii) Construction of a new source as defined under this section has commenced if the owner or operator has:

(A) Begun, or caused to begin as part of a continuous on-site construction program any replacement, assembly or installation of facilities or equipment; or significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities that are necessary for the placement, assembly or installation of new source facilities or equipment; or

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this section.

(mm) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(nn) "North American Industrial Classification System (NAICS)." A classification pursuant to the North American Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 2007.

(oo) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement or the city's NPDES permit, including an increase in the magnitude or duration of a violation.

(pp) "Person." Any and all persons, including individuals, partnerships, copartnerships, firms, companies, public and private corporations or officers thereof, associations, joint stock companies, trusts, estates, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities organized or existing under the laws of this or any state or country. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(qq) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution which is the measure of acidity or alkalinity of a solution, expressed in standard units (s.u.).

(rr) "Pollutant." Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged to water.

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

(tt) "Pretreatment." 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 the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by Tennessee Rule 0400-40-14-.06(4). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility

must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 0400-40-14-.06(5).

(uu) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user, including but not limited to discharge, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

(vv) "Pretreatment standard" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(ww) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C., section 1292) that is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater and any conveyances that convey wastewater to the POTW treatment plant. For the purposes of this chapter, POTW shall also include any devices or systems used in the collection, storage, and/or conveyance of wastewaters to the POTW from persons outside the corporate limits of the city who are, by contract or agreement with the city, users of the city POTW.

(xx) "POTW treatment plant," "wastewater treatment plant," or "treatment plant." That portion of the POTW designed to provide treatment of wastewater.

(yy) "Sanitary sewer." A sewer pipeline that carried liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(zz) "Shall" is mandatory; "may" is permissive.

(aaa) "Significant Industrial User (SIU)." Except as provided in subsections (iii) and (iv) of this section, a significant industrial user is:

(i) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and

(ii) Any other industrial user that:

(A) Discharges an average of twenty-five thousand (25,000) gallons more per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;

(B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(C) Is designated as such by the control authority on the basis that it has a reasonable potential for adversely

affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with Tennessee Code Annotated, 0400-40-14-.08(6)(f).

(iii) The control authority may determine that an industrial user subject to categorical pretreatment standards under Tennessee Rule 0400-40-14-.06 and 40 CFR chapter 1, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contract cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(A) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(B) The industrial user annually submits the certification statement(s) required in section 7.14 (Tennessee Rule 0400-40-14-.12(17)), together with any additional information necessary to support the certification statement; and

(C) The industrial user never discharges any untreated concentrated wastewater.

(iv) Upon finding that a user meeting the criteria in subsection (B) of this part has no reasonable potential for adversely affecting the POTW's operation for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 0400-40-14-.08(6)(f), determine that such user is not a significant industrial user.

(bbb) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements which meet one (1) or more of the following criteria:

(i) Violations of wastewater discharge limits:

(A) Chronic violations;

(B) Technical Review Criteria (TRC) violations;

(C) Any other violation(s) of an individual wastewater discharge permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public; or

(D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(ii) Violations of compliance schedule milestones, contained in an enforcement order by ninety (90) days or more after the schedule date. Milestones may include but not be limited to dates for starting construction, completing construction and attaining final compliance.

(iii) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within forty-five (45) days from the due date.

(iv) Failure to accurately report noncompliance.

(v) Violation or a group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(ccc) "Significant violation." A violation which remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under 40 CFR 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).

(ddd) "Slug control plan." A plan to control slug discharges, which shall include, as a minimum:

(i) Description of discharge practices, including non-routine batch discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this chapter, or 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

(eee) "Slug load" or "slug discharge." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-202 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch discharge, which has a

reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(fff) "Source." Any activity, operation, construction, building, structure, facility, or installation (permanent or temporary) from which there is or may be the discharge of pollutants.

(ggg) "State." State of Tennessee.

(hhh) "Stormwater." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(iii) "Surcharge." A fee charged to industrial users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat.

(jjj) "Technical Review Criteria (TRC) violation." Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-201(4) of this chapter multiplied by the applicable TRC (TRC = 1.4 for BOD_5, TSS, COD, TKN, NH_3-N, fats, oil and grease, and 1.2 for all other parameters except pH).

(kkk) "Total suspended solids" or "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.

(lll) "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 section 307(a) of the Act (40 CFR part 403, Appendix B).

(mmm) "Upset." An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(nnn) "User" or "industrial user." Any person(s) who contributes causes or permits the contribution of wastewater into the city's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

(ooo) "Wastewater." The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with

any ground, surface, and/or stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(ppp) "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, which are contained within, flow through or border upon the state or any portion thereof. (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

18-202. General sewer use requirements. (1) Connection to public sewer. (a) Requirements for proper waste disposal:

(i) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner any wastewater on public or private property within the service area of the city.

(ii) This subsection is held in reserve.

(iii) 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.

(iv) Except as provided in § 18-202(1)(a)(v), the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within two hundred feet (200') of the owner's property.

(v) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided 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.

(vi) Where a public sanitary sewer is not available under the provisions of § 18-202(1)(a)(iv), the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of state law and regulations governing subsurface sewage disposal systems.

(b) Physical connection of building sewers to the POTW:

(i) No unauthorized person shall uncover, make any connections with or opening into, use, or disturb any public sewer

or appurtenance thereof without first obtaining a written permit from the control authority as required by this chapter.

(ii) All costs and expenses incident to the installation, connection, and inspection of building sewers shall be borne by the user. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(iii) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(iv) Old building sewers may be used in connection with a new building only when they are found, on examination and testing by the control authority, to meet all requirements of this chapter. All others must be sealed to the specifications of the control authority.

(v) Building sewers shall conform to the following requirements:

(A) The minimum size of a building sewer for connection of residential users to the POTW shall be four inches (4").

(B) The minimum size of building sewer for connection of commercial, institutional, and industrial users to the POTW shall be six inches (6").

(C) The minimum depth of cover above a building sewer shall be eighteen inches (18").

(D) Four inch (4") building sewers shall be laid on grade greater than one-quarter inch (1/4") per foot. Six inch (6") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least three feet (3.0') per second.

(E) Slope and alignment of all building sewers shall be neat and regular.

(F) Building sewers shall be constructed only of cast iron soil pipe or ductile iron pipe with compression joints or polyvinyl chloride pipe with compression joints or polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(G) Cleanouts shall be located on building sewers as follows: one (1) no closer than eighteen inches (18") to the building and no more than five feet (5') outside of the building, one (1) at the connection onto the POTW and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A branch "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(H) Connections of building sewers to the POTW shall be made at the appropriate existing wye or tee branch using 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 sewers 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 control authority. All such connections shall be made gastight and watertight.

(I) The building sewer may be brought into the building below the basement floor when the building sewer can be constructed at the grade required in § 18-202(1)(b)(v)(D), from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by an approved means such as a grinder pump and discharged to the building sewer at the expense of the user.

(J) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of the 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 the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation Manual of practice no. 9. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(K) An installed building sewer shall be gastight and watertight.

(vi) All excavations for building sewer installation shall be adequately guarded with barricades and lights 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.

(vii) No person shall make connection of roof downspouts, exterior foundation drains, area 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.

(c) Inspection of connections. (i) The connection of the building sewer to the public sewer and all building sewers from the building to the public sewer main line shall be inspected by the control authority or his duly authorized representative before the underground portion is covered.

(ii) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the control authority or his duly authorized representative.

(d) Maintenance of building sewers. Each individual user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet the requirements of this chapter. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks, or other sources of rainwater, surface runoff, or groundwater entry into the POTW are identified on building sewers on private property, the control authority may take any of the following actions:

(i) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter

must be completed within sixty (60) days from the date of the written notice and entirely at the expense of the user.

(ii) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and inform the user that the city will provide all labor, equipment, and materials necessary to make the repairs required to bring the building sewer within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials used will be charged to the user. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the property owner shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding, and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work.

(2) Prohibitions on storm drainage and groundwater. Stormwater, groundwater, rain water, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged to the POTW.

(3) Unpolluted water. Unpolluted water, including, but no limited to cooling water or process water, shall not be discharged to the POTW unless such discharge is permitted by the user's wastewater discharge permit.

(4) Limitations of the use of garbage grinders. Waste from garbage grinders shall not be discharged into the POTW except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewer. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse. This provision shall not apply to domestic residences.

(5) Limitation on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless a temporary permit by the control authority has been issued. The control authority shall incorporate in such temporary permit such conditions as the city deems reasonably necessary to insure compliance with the provisions of this section and the user shall be required to pay applicable charges and fees thereof.

(6) Septic tank pumping, hauling, and discharge. No person owning vacuum or "cesspool" pump truck or other liquid waste transport truck shall discharge such sewage into the POTW, unless waste transport trucks have applied for and received a truck discharge operation permit from the control authority. All applicants for a truck discharge operation permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the control authority. The owners of such vehicles

shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from date of issuance provided such permit shall be subject to revocation by the control authority for violation of any provision of this section or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The control authority shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste where it appears that the waste could interfere with the effective operation of the POTW treatment works or any sewer line or appurtenance thereto. The control authority shall incorporate in such truck discharge operation permit such conditions necessary to insure compliance with the provisions of this section and the charge (on a volume basis) for disposal of wastewater or sludge removed from septic tanks into the POTW.

(7) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he has been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees, and shall comply with the conditions of the permit issued by the control authority. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(8) On-site wastewater disposal facilities. No person shall discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to sanitary pit privies, septic tanks, and cesspools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be properly operated and maintained by the owner of the property on which the facilities are located. Any new construction of on-site private wastewater disposal facilities shall be in accordance with state requirements.

(9) Prohibited discharge standards. (a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

(b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(i) 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 (2) successive readings on an explosion hazard meter at the point of discharge into the POTW system (or at any point in the POTW) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter or have a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit ([140° F] sixty degrees Celsius [60° C]) using the test methods specified in 40 CFR 261.21;

(ii) Wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;

(iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no cases solids greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers from slaughter houses; ashes or cinders from sawmills; sand, spent lime, stone or marble dust from stone work facilities; 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 waxes from any industry or agricultural facility; towels, rags, or sanitary wipes from health care facilities;

(iv) Pollutants, including oxygen-demanding pollutants (BOD_5, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(v) Wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F; (forty degrees Celsius) [40° C]);

(vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference with the POTW or pass through;

(vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(viii) Trucked or hauled pollutants, except at discharge points designated by the control authority in accordance with § 18-202(6) of this chapter;

(ix) Noxious or malodorous liquids, gases, or solids, or other non-domestic wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(xi) Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations;

(xii) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the control authority;

(xiii) Sludges, screening, or other residues from the pretreatment of industrial wastes;

(xiv) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(xv) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;

(xvi) Any wastewater which causes a hazard to human life or creates a public nuisance;

(xvii) Any fats, oils, or grease of animal or vegetable origin and waste food and sand that cause an upset, interference, or the POTW to violate its NPDES permit in concentrations greater than specified at Table 1: Industrial Wastewater Specific Pollutant Limitations and the table insert Threshold Limitations on Wastewater Strength Exceedances that may be subject to surcharge refer to the specific guidelines for control at § 18-202(10).

(c) When the control authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall:

(i) Advise the user(s) of the impact of the contribution on the POTW; and

(ii) Develop effluent limitations for such user(s) to correct the interference with the POTW.

(d) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(10) Fats, oils, and grease, waste food, and sand guidelines. Fats, oil, grease, waste food, and sand in the POTW can interfere with the collection system and wastewater treatment facility by causing blockages and plugging of pipelines, problems with normal operation of pumps and their controls, and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.

(a) Interceptors. Fats, Oil, and Grease (FOG), waste food, and sand interceptors shall be installed when, in the opinion of the control authority, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the POTW. Such interceptors shall not be required of single-family residences, but may be required for multiple family residences. All interceptors shall be of a type and capacity approved by the control authority, and shall be located as to be readily and easily accessible for cleaning and inspection.

(i) Fats, oil, grease, and food waste. (A) New food service facility. On or after the effective date of the ordinance comprising this chapter, food service facilities, which are newly proposed or constructed, shall be required to install, operate and maintain a grease interceptor with a minimum capacity of seven hundred fifty (750) gallons located on the exterior of the building. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility can be obtained for those facilities where inadequate space is available for the installation of a grease interceptor. Design criteria shall conform to the standard in accordance with any provisions of the plumbing code as adopted by the City of Union City and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines.

(B) Existing food service facilities. On or after the effective date of the ordinance comprising this chapter, existing food service facilities or food service facilities which will be expanded or renovated shall install a grease trap or grease interceptor when, in the opinion of the control authority, necessary for the control of FOG and food waste. Upon notification, the facility must be in compliance within ninety (90) days (unless due case of hardship may be proven). The facility must service and maintain the equipment in order to prevent adverse impact upon the

POTW. If in the opinion of the control authority the user continues to impact the POTW, additional pretreatment measures may be required.

(ii) Sand, soil, and oil. All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors when directed by the control authority. These interceptors shall be sized to effectively remove sand, soil, and oil at the proper flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the POTW. Owners whose interceptors are deemed to be ineffective by the control authority may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewer.

(iii) Laundries. Where directed by the control authority commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the POTW of solids one half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

The equipment or facilities installed to control FOG, food waste, sand, and soil shall be designed in accordance with the Southern Plumbing Code and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner or operator of the facility to prevent a stoppage of the public sewer, and the accumulation of FOG in the POTW. If the control authority is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the control authority. Nothing in this section shall be construed to prohibit or restrict any other remedy the control authority has under this chapter, or state or federal law.

The control authority retains the right to inspect and approve installation of the control equipment.

There shall be no charge for random inspections conducted by the control authority personnel on traps or interceptors. If a trap or interceptor has to be re-inspected because of deficiencies found during the previous inspection by the control authority personnel and all of the deficiencies have been corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee of fifty dollars ($50.00) shall be charged to the facility. If a

second re-inspection is required, a second re-inspection fee of one hundred fifty dollars ($150.00) shall be charged to the facility if all of the deficiencies have still not been corrected. If three (3) or more re-inspections are required, a re-inspection fee of three hundred dollars ($300.00) for each successive re-inspection shall be charged to the facility in addition to other enforcement actions if all of the deficiencies have not been corrected.

(b) Solvents. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.

(11) National categorical pretreatment standards. Users must comply with the categorical pretreatment standards found at 40 CFR chapter 1, subchapter N, parts 405-471 and shall serve as the minimum requirements.

(a) Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits in accordance with § 18-202(11)(e) and (f) as allowed at 40 CFR 403.6(c).

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users as allowed at 40 CFR 403.6(c)(2).

(c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the control authority shall impose an alternate limit in accordance with Tennessee Rule 0400-40-14-.06(5).

(d) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following subsections of this section as allowed at 40 CFR 403.15.

(i) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of subsection (ii) of this section are met.

(ii) Criteria. (A) Either:

(1) The applicable categorical pretreatment standards contained in 40 CFR chapter 1, subchapter N specifically provide that they shall be applied on a net basis; or

(2) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(B) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(C) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(e) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the control authority. The city may establish equivalent mass limits only if the industrial user meets all the conditions set forth in § 18-202(11)(e)(i)(A) through (E) below:

(i) To be eligible for equivalent mass limits, the industrial user must:

(A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

(B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

(C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate must be representative of current operating conditions;

(D) Not have daily flow rates, production levels or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(E) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(ii) An industrial user subject to equivalent mass limits must:

(A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(C) Continue to record the facility's production rates and notify the control authority whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in subsection (11)(e)(i)(C) of this section. Upon notification of a revised production rate, the control authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (11)(e)(i)(A) of this section so long as it discharges under an equivalent mass limit.

(iii) When developing equivalent mass limits, the control authority:

(A) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(B) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(C) May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to

§ 18-202(16). The industrial user must also be in compliance with § 18-212(3) regarding the prohibition of bypass.

(f) The control authority may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the control authority. When converting such limits, the control authority will use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by § 18-202(16) of this chapter (see 40 CFR 403.6(d)). In addition, the control authority will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).

(g) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this § 18-202(11) in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(h) Many categorical pretreatment standards specify one (1) limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(i) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the control authority within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(12) Modification of national pretreatment standards. If the POTW achieves consistent removal of pollutants limited by the national pretreatment standards, the city may apply to the approval authority for modifications of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(a)(3)(ii)--General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the national pretreatment standards, if the requirements continued in 40 CFR 403.7 are fulfilled and approval is obtained from the approval authority.

(13) State pretreatment standards. Users must comply with Tennessee Pretreatment Standards codified at Tennessee Code Annotated, §§ 69-3-101, et seq. and 4-5-201, et seq.

(14) Local limits. (a) The control authority is authorized to establish local limits pursuant to Tennessee Rule 0400-40-14-.05(3).

(b) Specific pollutant limitations. Pollutant limits are established to protect against pass through and interference. For a list of the specific pollutants and respective concentrations refer to Appendix A (latest revision), Table 1: Industrial Wastewater Specific Pollutant Limitations. No person shall discharge wastewater containing in excess of the limits for each pollutant unless:

(i) An exception has been granted by the control authority to the user; or

(ii) The wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in Table 1: Industrial Wastewater Specific Pollutant Limits (refer to Appendix A) within a fixed period of time.

Analyses for all pollutants listed at Table 1: Industrial Wastewater Specific Pollutant Limits (refer to Appendix A) shall be conducted in accordance with the requirements of 40 CFR part 136 or equivalent methods approved by the United States Environmental Protection Agency.

(c) Criteria to protect the POTW treatment plant influent. The city shall monitor the treatment works influent for each parameter listed in Appendix A (latest revision), Table 2: Criteria to Protect the Treatment Plant Influent. Analyses for all pollutants listed at Table 2: Criteria to Protect the Treatment Plant Influent (refer to Appendix A) shall be conducted in accordance with the requirements of 40 CFR part 136 or equivalent methods approved by the United States Environmental Protection Agency. Industrial users shall be subject to the reporting and monitoring requirements set forth in §§ 18-206 and 18-207 of this chapter as to these parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by Table 2: Criteria to Protect the Treatment Plant Influent (refer to Appendix A), the control authority shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city such remedial measures as are necessary, including, but not limited to recommending the establishment of new or revised pretreatment levels for these pollutants. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are modified or

in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed to more effectively operate the POTW.

(d) Conventional pollutants. (i) BOD_5, TSS, and NH_3-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of biochemical oxygen demand (BOD_5), Total Suspended Solids (TSS) and Ammonia Nitrogen (NH_3-N). If an industrial user discharges concentrations of these pollutants in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations, added operation and maintenance costs will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations listed at Appendix A of the ordinance comprising this chapter for any conventional pollutants such as BOD_5, TSS and/or NH_3-N will be subject to a surcharge. The formula for this surcharge is listed in § 18-213(4) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for BOD_5, TSS and/or NH_3-N on the industrial user if the industrial user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(ii) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

"Free" and "emulsified" oil and grease shall be differentiated based on the following procedure. One (1) aliquot of sample shall be extracted with hexane using EPA Method 1664, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "free" oil and grease. A second aliquot of sample shall be prepared by adding sulfuric acid and heating until emulsion breaks. The sample shall then be extracted with hexane using EPA Method 1664. The result of the analysis will be considered the arithmetic difference between "total" and "free" oil and grease.

If a user discharges concentrations of "free" oil and grease in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations at Appendix A of the ordinance comprising this chapter for "free" oil and grease, added operation and maintenance costs will be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the Threshold Limitations on

Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations at Appendix A for "free" oil and grease will be subject to a surcharge. The formula for this surcharge is listed at § 18-213(4) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for "free" oil and grease on the user if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(15) City's right of revision. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW system if deemed necessary consistent with the purpose of this chapter.

(16) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority and/or his designated representative may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

(17) Accidental discharges. (a) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No industrial user who commences contribution to the POTW after the effective date of the ordinance comprising this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall be within twenty-four (24) hours of becoming aware of the violation and shall include the location of the discharge, type of waste, concentration and volume, and corrective actions. The industrial user shall repeat the sample within five (5) days, perform an analysis, and report the results of the sample analysis to the control authority within

thirty (30) days of becoming aware of the violation (refer to 40 CFR 403.12(g))

(i) Written notice. Within five (5) days following an accidental discharge, the industrial user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any civil penalties, administrative penalties, or other liability which may be imposed by this chapter or other applicable law.

(ii) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial users shall insure that all employees who may cause such a dangerous discharge to occur or may suffer such are advised of the emergency notification procedure. (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

18-203. <u>Pretreatment of wastewater</u>. (1) <u>Pretreatment facilities</u>. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-202 of this chapter within the time limitations specified by EPA, the state, or control authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user for the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(2) <u>Additional pretreatment measures</u>. (a) Whenever deemed necessary, the control authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(b) The control authority may require any person discharging into the POTW to install and maintain, on their property and at their

expense, a suitable storage, and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the control authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, and/or sand; except that such interceptors shall not be required for residential users. All interception units shall be a type and capacity approved by the control authority, shall comply with § 18-202(10) of this chapter, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with § 18-202(10) by the user at their expense.

(d) Users with potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(3) Accidental discharge/slug discharge control plans. The control authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The control authority may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the control authority may develop such a plan for any user at the user's expense. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals (which shall include cleaning supplies);

(c) Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by § 18-206(6) of this chapter; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment fo emergency response. (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

18-204. Individual wastewater discharge permits. (1) Wastewater analysis. When requested by the control authority, a user may submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The control authority is authorized to prepare a form for this purpose and may periodically require users to update this information.

There shall be two (2) classes of building sewer permits:

(a) For connection of residential, commercial, and institutional users to the POTW; and

(b) For connection of industrial users to the POTW.

In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the city at the time the application is filed as set out in the city's schedule of charges and fees.

(2) Individual wastewater discharge permit requirement. (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the control authority, except that a significant industrial user that has filed a timely application pursuant to § 18-204(3) of this chapter may continue to discharge for the time period specified therein.

(b) The control authority may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.

(c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-209 through 18-212 of this chapter. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(3) Individual wastewater discharge permitting: existing connections. Any non-permitted user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance comprising this chapter and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the control authority for an individual wastewater discharge permit in accordance with § 18-204(5) of this chapter, and shall not cause or allow discharges to the POTW to continue after forty-five (45) days of the effective date of the ordinance comprising this chapter except in accordance with an individual wastewater discharge permit issued by the control authority.

(4) Individual wastewater discharge permitting: new connections. Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with § 18-204(5) of

this chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(5) Individual wastewater discharge permit application contents. All users required to obtain an individual wastewater discharge permit must submit a permit application. The control authority may require users to submit all or some of the following information as part of the permit application:

(a) Identifying information:

(i) The name, address, and location of the facility, including the name of the operator and owner.

(ii) Contact information, description of activities, facilities, and plant production processes on the premises.

(b) A list of any environmental control permits held by or for the facility.

(c) Description of operations. (i) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications (SIC or NAICS code) of the operation(s) carried out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(ii) Types of wastes generated and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

(iii) Number of employees, number of shifts and hours per shift, contact per shift (if applicable), and proposed or actual hours of operation.

(iv) Type and amount of raw materials processed (average and maximum per day).

(v) Each product produced by type, amount process or processes and rate of production.

(vi) Site plan, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, elevation and all points of discharge.

(d) Time and duration of discharges.

(e) The location for monitoring all wastes covered by this permit.

(f) Information showing the measured average daily, maximum daily and 30-minute peak flow in gallons per day (including daily, monthly and seasonal variations, if any) to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set in § 18-202(11)(c) (Tennessee Rule 0400-40-14-.06(5)).

(g) Measurement of pollutants. (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(ii) Wastewater constituents and characteristics (nature and concentration, and/or mass) in the discharge from each regulated process including, but not limited to those mentioned in § 18-202 and Appendix A of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR part 136, as amended.

(iii) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(iv) The sample shall be fully representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-206(10) of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

(v) Sampling must be performed in accordance with procedures set out in § 18-206(11) of this chapter.

(vi) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state or national pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards.

(h) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 18-206(4)(b) of this chapter and Tennessee Rule 0400-40-14-.12(5)(b).

(i) Statement of duly authorized representative(s).

(j) Any other information as may be deemed necessary by the control authority to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(6) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement found in § 18-206(14)(a) of this chapter.

(b) If the designation of an authorized representative is no longer accurate because a different individual or position has

responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(7) Individual wastewater discharge permit decisions. The control authority will evaluate the data furnished by the user and may require additional information. If sufficient data was not received to determine a user's category, the control authority may submit a category determination request to the approval authority as set out in Tennessee Rule 0400-40-14-.06(1). After evaluation and acceptance of the data furnished, the control authority will determine whether to issue an individual wastewater discharge permit. The control authority may deny any application for an individual wastewater discharge permit. (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

18-205. Individual wastewater discharge permit issuance.

(1) Individual wastewater discharge permit duration. An individual wastewater discharge permit shall be issued for specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the control authority. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Individual wastewater discharge permit contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulation, charges, and fees established by the city.

(a) Individual wastewater discharge permits shall contain:

(i) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date.

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 18-205(4) of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards.

(iv) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be

monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

(v) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 18-206(4)(b) of this chapter.

(vi) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(vii) Requirements to control slug discharge, if determined by the control authority to be necessary.

(viii) Any grant of the monitoring waiver by the control authority (§ 18-206(4)(b)) shall be included as a condition in the user's permit.

(ix) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(x) Requirements for notification of excessive discharges such as described in § 18-202(16) of this chapter.

(xi) Requirements to immediately report noncompliance to the control authority, and to immediately resample for any parameter(s) out of compliance in accordance with 40 CFR 403.12(12)(g).

(b) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(i) Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;

(ii) Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

(iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(vii) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal or state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(viii) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter, and federal and state laws, rules, and regulations.

(3) Permit modification. The control authority may modify an individual wastewater discharge permit for good cause including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(e) Violation of any terms or conditions of the individual wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revisions of a grant variance from categorical pretreatment standards pursuant to Tennessee Rule 0400-40-14-.13;

(h) To correct typographical or other errors in the individual wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-205(4) of this chapter.

(4) Individual wastewater discharge permit transfer. Individual wastewater discharge permits are issued to a specific user for a specific operation. An individual wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior notice and approval from the control authority, and provision of a copy of the existing control mechanism (individual wastewater discharge permit) to the new owner or operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing

permit. The notice to the control authority must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur;

(c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit; and

(d) Submits a duly authorized to sign.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of the facility transfer.

(5) Individual wastewater discharge permit revocation. The control authority may revoke an individual wastewater discharge permit for good cause, including, but not limited to the following reasons:

(a) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the control authority of changed conditions pursuant to § 18-206(5) of this chapter;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the control authority timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay penalties;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advanced notice of the transfer of business ownership of a permitted facility; and

(m) Violation of pretreatment standard or requirement, or any terms of the individual wastewater discharge permit of this chapter.

Individual wastewater discharge permits shall be subject to void upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon issuance of a new individual wastewater discharge permit to that user.

(6) Individual wastewater discharge permit reissuance. A user with an expiring individual wastewater discharge permit shall apply for a permit reissuance by submitting a complete permit application in accordance with § 18-204(5) of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit. The terms and conditions of the permit may be subject to modification by the control authority

during the term of the permit as limitations and/or requirements as identified in § 18-202 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows federal due dates to be violated. Any change(s) or new conditions in the permit shall include a reasonable time schedule for compliance.

(7) Regulation of waste received from other jurisdictions. (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the control authority shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by subsection (a) of this section, the control authority shall request the following information from the contributing municipality:

(i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(ii) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(iii) Such other information deemed necessary by the control authority.

(c) An intermunicipal agreement, as required by subsection (a) of this section shall contain the following conditions:

(i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as the ordinance comprising this chapter and local limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 18-202(14) of this chapter. The requirement shall specify that such an ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance and local limits;

(ii) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority;

(iv) A requirement for the contributing municipality to provide the control authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(vi) Requirements for monitoring the contributing municipality's discharge;

(vii) A provision ensuring the control authority access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling and any other duties necessary by the control authority; and

(viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

The intermunicipal agreement may contain provisions giving the control authority the right to take action to enforce the terms of the contributing municipality's ordinances or to impose and enforce pretreatment standards and requirements directly against discharges of the contributing municipality. (Ord. #8-99, Nov. 1998, as amended by Ord. #119-13, Jan. 2013, and replaced by Ord. #147-15, Dec. 2014)

18-206. Reporting requirements. (1) Baseline monitoring requirements. (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the control authority a report which contains the information listed in subsection (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in subsection (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described in subsection (a), above, shall submit the information set forth below:

(i) All information required in §§ 18-204(5)(a)(i), 18-204(5)(b), 18-204(5)(c)(i), and 18-204(5)(f) of this chapter.

(ii) Measurement of pollutants:

(A) The user shall provide the information required in §§ 18-204(5)(g)(i) through 18-204(5)(g)(iv);

(B) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection;

(C) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no

pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 0400-40-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(D) Sampling and analysis shall be performed in accordance with § 18-206(10);

(E) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(F) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(iii) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-201(4)(c) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(iv) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-206(2) of this chapter.

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-206(14)(a) of this chapter and signed by an authorized representative defined in § 18-201(4)(c) of this chapter.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-206(1)(b)(iv) of this chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(3) Reports on compliance with categorical pretreatment standards deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to control authority a report containing the information described in §§ 18-204(5)(f), 18-204(5)(g), and 18-206(1)(b)(ii) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-202(11), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-206(14)(a) of this chapter. All sampling will be done in conformance with § 18-206(11).

(4) Periodic compliance reports. All SIUs and Non-Significant Industrial User's (NSCIUs) are required to submit periodic compliance reports.

(a) All SIUs and NSCIUs must, at a frequency determined by the control authority, submit no less than twice per year (on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the

pretreatment standard necessary to determine the compliance status of the user.

(b) The city may authorize a SIU or NSCIU subject to a categorical pretreatment standard (upon the approval authority's approval) to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user (Tennessee Rule 0400-40-14-.12(5)(b)). This authorization is subject to the following conditions:

(i) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the industrial wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit (see § 18-204(5)(h) of this chapter).

(iii) In making a demonstration that a pollutant is not present, the industrial user must provide sufficient data of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(iv) The request for a monitoring waiver must be signed in accordance with § 18-201(4)(c) of this chapter, and include the certification statement in § 18-206(14)(a) of this chapter (Tennessee Rule 0400-40-14-.06(1)(b)(2)).

(v) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(vi) Any grant of the monitoring waiver by the control authority must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver shall be maintained by the control authority for three (3) years after expiration of the waiver.

(vii) Upon approval of the monitoring waiver and revision of the user's permit by the control authority, the industrial user must certify on each report with the statement in § 18-206(14)(b)

of this chapter, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(viii) In the event that a wived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of § 18-206(4)(a), or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.

(ix) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standards.

(c) All periodic compliance reports must be signed and certified in accordance with § 18-206(14)(a) of this chapter and a chain of custody form must be submitted with all reports.

(d) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(e) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sample location more frequently than required by the control authority, using the procedures prescribed in § 18-206(11) of this chapter, the results of this monitoring shall be included in the report for the corresponding reporting period.

(5) Reports of changed conditions. Each user must notify the control authority of any significant changes in the user's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred eighty (180) days before the change.

(a) The control authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-204(5) of this chapter.

(b) The control authority may issue an individual wastewater discharge permit under § 18-205(6) of this chapter or modify an existing wastewater discharge permit under § 18-205(3) of this chapter in response to changed conditions or anticipated changed conditions.

(6) Reports of potential problems. (a) In the case of any discharge, including, but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the control authority of the incident. This notification shall include the location of the

discharge, type of waste, concentration and volume, and corrective actions taken by the user. The control authority may request a sample be collected for analysis at the time of accidental discharge.

(b) Within five (5) days following such discharge, the user shall, unless waived by the control authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may incur as a result of damage to the POTW, natural resources, or any other damage to personal property; nor shall such notification relieve the user of any penalties or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a) above. Employers shall ensure that all employees are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from non-permitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the control authority as the control authority may require.

(8) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. If sampling performed by the city indicates a violation, the city may opt to notify the user of the violation and require the user to perform the repeat sampling and analysis (40 CFR 403.12(g)(2)).

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Water Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If

the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) das after the discharge commences. Any notification under this subsection needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-206(5) of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (1), (3) and (4) of this section.

(b) Dischargers are exempt from the requirements of subsection (a) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, an IWDP permit issued, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sample techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136

does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the 40 CFR part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties approved by the EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits (40 CFR 403.12(g)(3)).

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in subsections (1) and (3) (Tennessee Rule 0400-40-14-.12(2) and (4)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For reports required by subsection (4) (Tennessee Rule 0400-40-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed using the United States Postal Service, the date of receipt of the report shall govern.

(13) Retention of records. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by the chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices, as set out in individual wastewater discharge permits. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years after the expiration date of the user's permit. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the control authority or approval authority.

(14) Certification statements. (a) Certification of permit applications, user reports, and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-204; users submitting baseline monitoring reports under subsection (1) (40 CFR 403.12(l)); users submitting reports on compliance with categorical pretreatment standard deadlines under subsection (3) (40 CFR 403.12(d)); users submitting periodic compliance reports required by subsections (4)(a) through (4)(c) (40 CFR 403.12(e) and (h)); and users submitting an initial request to forego sampling of a pollutant on the bases of subsection (4)(b)(iv) (CFR 403.12(e)(2)(iii)). The following certification statement must be signed by an authorized representative as defined in § 18-201(4)(c) of this chapter:

> "I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations."

(b) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the control authority pursuant to §§ 18-201(4)(aaa)(iii) and 18-204(6)(c) (40 CFR 403.3(v)(2)) must annually submit the following

certification statement signed in accordance with the signatory requirements in § 18-201(4)(c) (40 CFR 403.120(1)). This certification must accompany an alternative report required by the control authority:

"Based on my inquiry of the person(s) directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR part _____, I certify that, to the best of my knowledge and belief, the period from _____, _____, to _____,_____, (month, days, year(s)):

(i) The facility described at _____ (facility name) met the definition of non-significant categorical industrial user as described in § 18-201(4)(aaa)(iii);

(ii) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(iii) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

_____

_____"

(c) Certification of pollutants not present. Users that have an approved monitoring waiver based on subsection (4)(b) of this section must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

"Based on my inquiry of the person(s) directly responsible for managing compliance with the pretreatment standard for 40 CFR Part(s) _____, (specify applicable National Pretreatment Standard part(s)), I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ (list pollutant(s)) in the wastewaters due to the activities at the facility since filing of the last periodic report under subsection (4)(a)." (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

18-207. Compliance monitoring. (1) Right of entry: inspection nd testing. The control authority shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or order issued hereunder. Users shall allow the control authority ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the control authority, approval authority, and/or EPA shall be permitted to enter for the purposes of performing specific responsibilities (40 CFR 403.12).

(b) The control authority, approval authority, and/or EPA shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct compliance monitoring/sampling and/or metering of the user's operations.

(c) The control authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at his own expense. All devices used to measure wastewater flow and quality shall be calibrated annually (unless otherwise specified) to ensure their desired accuracy. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and on-site analysis (where necessary), whether constructed on public or private property. The monitoring facilities should be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such a manner to enable the control authority to perform independent monitoring activities.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this chapter. (as added by Ord. #147-15, Dec. 2014)

18-208. Confidential information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits and monitoring programs, and from the control authority's inspection and sampling activities, shall be available to

the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #147-15, Dec. 2014)

18-209. <u>Publication of users in significant noncompliance</u>. The control authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (3), (4) or (8) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-201(4);

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-201(4) multiplied by the applicable criteria (TRC=1.4 for BOD_5, TSS, fats, oils and grease, NH_3-N and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by § 18-201(4) (daily maximum, long-term average, instantaneous limit, or narrative standard) that control authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the control authority's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation a of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #147-15, Dec. 2014)

18-210. Administrative enforcement remedies. All administrative enforcement actions taken against a significant industrial user, including procedures, order, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically, Tennessee Code Annotated, § 69-3-123, and enforcement per the Enforcement Response Plan (ERP).

(1) Notification of violation. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may serve upon that user a written notice of violation. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Consent orders. The control authority may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (4) and (5) of this section and shall be judicially enforceable.

(3) Show cause hearing. The control authority may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the control authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-201(4) and required by § 18-204(6). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued. Hearings shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 69-3-124.

(4) Compliance order. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time period. If the user does not show compliance within the specified time, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated to allow compliance with this chapter. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, the installation of pretreatment system(s), and management practices designed to minimize the amount of pollutant(s) discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(5) Cease and desist orders. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements; and/or

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance

of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(6) Administrative penalties. (a) Notwithstanding any other section of this chapter, any significant industrial user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be subject to a civil penalty of up to ten thousand dollars ($10,000.00) per violation. Such penalties shall be assessed on a per violation, per day basis in accordance with the provisions of Tennessee Code Annotated, §§ 69-3-125, 69-3-126, 69-3-128 and 69-3-129 and 40 CFR 403.8(f)(1)(vi)(A). In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall utilize such other collection remedies as available to collect other service charges.

(b) Unpaid charges and penalties shall constitute a lien against the individual user's property.

(c) Users desiring to dispute the assessment of such penalties must file a written request for the city to reconsider the penalty within ten (10) days of being notified of the penalty. Where the city believes a request has merit, the control authority shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

(d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(7) Emergency suspensions. (a) The city may suspend the wastewater treatment service and/or individual wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the individual wastewater discharge permit shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings set forth in subsection (8) of this section are initiated against the user.

(c) A user which is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the city a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five (5) days after notification of suspension of service or prior to the date of the hearing described in subsection (3).

Nothing in this section shall be interpreted as requiring a hearing prior to emergency suspension under this section.

(8) Termination of discharge. In addition to the provisions in § 18-205(5) of this chapter, any user who violates the following conditions is subject to discharge termination:

(a) Violation(s) of individual wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;

(e) Violation of pretreatment standards in § 18-202 of this chapter.

Such user(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) of this section why the proposed action should not be taken. Exercise of this option by the control authority shall not be bar to, or a prerequisite for, taking any other action against the user. (as added by Ord. #147-15, Dec. 2014)

18-211. Judicial enforcement remedies. If any user discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or individual wastewater discharge permit issued hereunder, the city through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court for Obion County. Any judicial proceedings and relief shall be in accordance with the provisions of Tennessee Code Annotated, § 69-3-127.

(1) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or individual wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the city, through the city attorney, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the individual wastewater discharge permit or other requirement imposed by this chapter on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct

environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) Civil penalties. (a) A user who has violated or continues to violate any provision of this chapter or any permit or order issued hereunder, or any pretreatment standard or requirement shall be liable to the city for a civil penalty of up to ten thousand dollars ($10,000.00), plus actual damages incurred by the POTW per violation, per day for as long as the violation continues. In addition to the above described penalty and damages 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 user(s) found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(b) The city shall petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to the extent of the harm caused by the violation, the magnitude and duration, the economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(3) Criminal prosecution. Pursuant to Tennessee Code Annotated, § 69-3-115(4)(c), violators will be prosecuted for a Class E Felony and punished by a penalty of not more than twenty-five thousand dollars ($25,000.00) or incarceration, or both.

(4) Remedies nonexclusive. The remedies provided in this chapter are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliance user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any user when the circumstances are warranted. Further, the city is empowered to take more than one (1) enforcement action against any noncompliant user. (as added by Ord. #147-15, Dec. 2014)

18-212. Affirmative defenses to discharge violations. (1) Treatment upset. (a) Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset.

(b) A user who wishes to establish affirmative defense of a treatment upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the user can identify the cause(s) of the upset;

(ii) The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(iii) The user has submitted the following information to the control authority within twenty-four (24) hours of becoming aware of the upset (where such information is provided orally, a written report thereof shall be filed by the user within five (5) days).

The report shall contain:

(A) A description of the indirect discharge and cause of noncompliance;

(B) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;

(C) All steps taken or planned to reduce, eliminate and prevent reoccurrence of such an upset.

(c) An industrial user which complies with the notification provisions of this section in a timely manner shall have affirmative defense to any enforcement action brought by the city for noncompliance with this chapter, or an order or individual wastewater discharge permit issued hereunder to the industrial user, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

(d) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Industrial users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited discharge standards. A user shall have affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 18-202(9)(a) of this chapter or the specific prohibitions in § 18-202(9)(b) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharge and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the control authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.[1]

(3) Bypass. (a) For the purposes of this section:

(i) Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of bypass. Sever property damage does not mean economic loss caused by delays in production.

(b) Bypass not violating applicable pretreatment standards or requirements. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (c) and (d) of this section.

(c) Bypass notification. (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible, at least ten (10) days before the date of the bypass.

(ii) A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

---

[1]The affirmative defense outlined in this section does not apply to the specific prohibitions in § 18-202(9)(b)(i), (iii), and (xiv) of this chapter.

(d) Prohibition of bypass. (i) Bypass is prohibited, and the control authority may take enforcement action against the user for a bypass, unless:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or sever property damage;

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(C) The users properly notified the control authority as required by subsection (c) above.

(ii) The control authority may approve an anticipated bypass, after considering its effects, if the control authority determines that it will meet the three conditions listed in subsection (d)(i) of this section. (as added by Ord. #147-15, Dec. 2014)

18-213. Fees. (1) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the city's POTW system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(2) Pretreatment charges and fees. The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements by users;

(c) Fees for reviewing accidental discharge procedures and construction plans and specifications for construction;

(d) Fees for filing appeals;

(e) Fees to recover administrative and legal costs (not included in § 18-213(2)(b)) associated with the enforcement activity taken by the control authority to address industrial user noncompliance;

(f) Fees for inspection of building sewer connections;

(g) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW; and

(h) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees and penalties chargeable by the city.

(3) Fair user charge system. User fees for discharge of wastewater to the POTW shall be based on the fair user charge system approved by the State of Tennessee for use by the city. The fair user charge fee schedule shall be updated annually to reflect changes in the actual cost of maintaining and operating the POTW, and the depreciation of facilities and debt amortization. The fair user charge fee schedule shall be based on an equitable distribution of the costs of "accounting and collecting" and "administration and general" to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within two hundred feet (200') of a sanitary sewer owned by the city; and an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW based on water usages as determined by water meters owned by the city. The users obtaining water from a source or sources other than through a meter of the city, which water is discharged into the POTW, shall install without cost to the city, a meter or meters to measure the quantity of water received from any such source or sources, and shall pay the same fees as provided in this section. No meter shall be installed or used for such purpose without the approval of the control authority.

Whenever water for industrial, commercial, or air conditioning purposes, is used and is not discharged into the POTW but, through agreement with the POTW, is discharged in some other manner, including discharge into the city's storm sewer system, the quantity of water so used and not discharged into the POTW, shall be excluded in determining the user fee to said user. However, the quantity of water so used and not discharged into the POTW must be measured by a device or meter approved by the control authority and installed by the user without cost to the city. The current fair user charge fee schedule and the method used in calculating the fee schedule shall at all times be maintained on file by the control authority for inspection by the public.

(4) Surcharge fee. If a significant industrial user discharges in excess of the threshold limitations on wastewater strength set for the pollutants BOD_5, TSS, NH_3-N, and/or free oil and grease at Appendix A Table 1, additional operation and maintenance costs will be incurred by the city. Therefore, any significant industrial user who discharges in excess of the threshold limitations for any of these pollutants will be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

$$\left[\text{Base Sewer Bill for Monthly Usage} \times \frac{\text{Actual Monthly Average of Parameter Concentration (mg/L)}}{\text{Threshold Limitation on Wastewater Strength Monthly Average Concentration (mg/l)}}\right] - \text{Base Sewer Bill for Monthly Usage}$$

The city also reserves the right to, at any time, place limits which may not be exceeded on the significant industrial user's discharge if the significant industrial user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

As an alternate to this formula, the city may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (as added by Ord. #147-15, Dec. 2014)

18-214. **Severability**. If any provision, paragraph, word, section, or chapter of the ordinance comprising this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect. (as added by Ord. #147-15, Dec. 2014)

CHAPTER 3

SEWAGE[1]

SECTION

18-301. When sanitary sewage disposal facilities are required.
18-302. Responsibility for installation and maintenance of facilities.
18-303. When a connection to the sanitary sewer is required.
18-304. When a septic tank or sanitary pit privy is required.
18-305. Use of other than prescribed facilities.

18-301. When sanitary sewage disposal facilities are required. Any building or structure wherein people live, are employed, or congregate must be equipped with such sanitary facilities for sewage disposal as are prescribed by this chapter. (1963 Code, § 8-201)

18-302. Responsibility for installation and maintenance of facilities. The owner of any property required by this chapter to have sanitary facilities for sewage disposal shall be responsible for the proper installation of such facilities. The occupant or person having immediate use and control of such property shall be responsible for maintaining the facilities in a sanitary and usable condition unless by contractual arrangement between the parties the owner expressly agrees to retain such responsibility. (1963 Code, § 8-202)

18-303. When a connection to the sanitary sewer is required. Any building or structure requiring sanitary facilities for sewage disposal and located within two hundred (200) feet of a sanitary sewer line shall be required to have such facilities connected to such sewer line with the following exception. Any such premises using a septic tank at the time this provision became effective may continue to use it until it requires repair or cleaning or, in the judgment of the health officer is otherwise found to be unfit for use. This exception shall not, however, except such property owner or tenant from the sewer service charge even though his property is not connected to the sewer line. (1963 Code, § 8-203)

18-304. When a septic tank or sanitary pit privy is required. Any building or structure requiring sanitary facilities for sewage disposal and not located within two hundred (200) feet of a sanitary sewer line shall be required to utilize either a septic tank or a sanitary pit privy constructed in accordance with state health department specifications and approved by the health officer.

---

[1]Municipal code reference
Plumbing regulations: title 12.

No such facility shall be installed without a permit from the health officer. The health officer shall not issue a permit for a particular installation if the lot size, soil composition, lay of the land, or other unusual circumstance makes its installation and use unfeasible or inadequate for the protection of the public. (1963 Code, § 8-204)

18-305. Use of other than prescribed facilities. It shall be unlawful for any person within the police jurisdiction of the city to dispose of any sewerage in other than a sanitary sewer, septic tank, or sanitary pit privy as authorized under the provisions of this chapter. (1963 Code, § 8-205)

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.[1]

SECTION

18-401. Definitions.
18-402. Compliance.
18-403. Regulated.
18-404. Approval required.
18-405. Backflow prevention device installed and maintained at customer's expense.
18-406. Location of approved backflow prevention device.
18-407. New installations.
18-408. Existing premises.
18-409. Installation, alteration or change of backflow prevention devices must be approved.
18-410. Alteration, repair, testing or change to existing backflow prevention device.
18-411. Inspections.
18-412. Right of entry.
18-413. Compliance procedures.
18-414. Installation requirements of backflow prevention assembly.
18-415. Potable water supply.
18-416. Statement of nonexistence of unapproved or unauthorized cross connections.
18-417. Fines and penalties.
18-418. Application of this chapter.

18-401. Definitions. The following definitions and terms shall apply 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 approval air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

---

[1]Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.

(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 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, stream 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 sources, 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 connection.

(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.

(11) "Fire protection systems" shall be classified in six different classes in accordance with AWWA Manual M14--Third Edition 2004. 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 premises, such as an auxiliary supply located within seventeen hundred feet (1700') 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 suctions tanks.

(12) "Interconnection" shall mean any system of piping or 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.

(13) "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.

(14) "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.

(15) "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 Union City Water Treatment Department 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 principal 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 (2) 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) "Director" shall mean the Director of the Union City Water Treatment Department 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. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-402. Compliance. The Union City Water Treatment Department shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Union City Water Treatment Department 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 connection, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these desirable water uses. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-403. Regulated. No water service connection to any premises shall be installed or maintained by the Union City Water Treatment Department 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 Union City Water Treatment Department 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. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-404. Approval required. 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 Union City Water Treatment Department. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-405. Backflow prevention device installed and maintained at customer's expense. If, in the judgment of the director 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 director shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-406. Location of approved backflow prevention device. 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. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-407. New installations. For new installations, the director 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 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. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-408. Existing premises. For existing premises, personnel from the Union City Water Treatment Department shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-409. Installation, alteration or change of backflow prevention devices must be approved. 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 Union City Water Treatment Department for approval. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-410. Alteration, repair, testing or change to existing backflow prevention device. 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 Union City Water Treatment Department. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-411. Inspections. The director 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-inspections shall be based on potential health hazards involved, and shall be established by the Union City Water Treatment Department in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-412. Right of entry. The director or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Union City Water Treatment Department 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 connection, and shall be grounds for disconnection of water service. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

18-413. Compliance procedures. (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 director 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 Union City Water Treatment Department as to manufacturer, model, size and application.

The method of installation of backflow prevention devises shall be approved by the Union City Water Treatment Department 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 the preparation for a due process hearing shall be relative to the risk of hazard to the public health and my follow disconnection when the risk to the public health and safety, in the opinion of the director, 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, within the time limits established by the director or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the director shall give the customer written 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 director, warrants disconnection prior to a due process hearing. (as added by Ord. #72-09, Sept. 2008)

18-414. <u>Installation requirements of backflow prevention assembly</u>. (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 Union City Water Treatment Department 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 premises 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 Union City Water Treatment Department, as to manufacturer, model, size and application. The method of installation of backflow prevention devices shall be approved by the Union City Water Treatment Department 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 connection 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 Union City Water Treatment Department as needing protection shall include the following:

(a) Class 1, Class 2 and Class 3 fire protections 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 feet (10') horizontally of pipes carrying sewage or significant toxic materials.

(B) Premises which have unusually complex piping systems;

(C) Pumpers connecting to the system which have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protections systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not 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 director 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) 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 possessing a valid backflow testing certification from the Tennessee Department of Environment and

Conservation, Division of Water Supply, acceptable to the director. A current copy of the tester's certification shall be on file with the Union City Water Treatment Department. 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 Union City Water Treatment Department, 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) All devices 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 inches (12") 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 inches (60").

(g) Clearance from wall surfaces or other obstruction shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") 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 two inches (2").

(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 inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Union City Water Treatment Department. 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 inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") 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 inches (4") 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 +40EF with an outside temperature of -30EF and a wind velocity of fifteen miles per hour (15 mph).

(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 Union City Water Treatment Department 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 Union City Water Treatment Department may require the installation of a duplicate device.

(p) The Union City Water Treatment Department 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, possessing valid backflow testing certification from the Tennessee Department of Environment and Conservation, Division of Water Supply, acceptable to the director. A current copy of the tester's certification shall be on file with the Union City Water Treatment Department. 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 Union City Water Treatment Department.

(6) Devices shall be tested at least annually 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 current copy of the person's certification and a record of the test results will be on file with the Union City Water Treatment Department. The customer will be notified of the test results and a written report will be available to the customer upon request. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. The testing will be done at the customer's expense. (as added by Ord. #72-09, Sept. 2008)

18-415. <u>Potable water supply</u>. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provision 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 inch (1") high located on a red background. Color-coding of pipelines, in accordance with the Occupational Safety and Health Act (OSHA) guidelines, shall be required in locations where in the judgment of the Union City Water Treatment Department, such coding is necessary to identify and protect the potable water supply. (as added by Ord. #72-09, Sept. 2008)

18-416. <u>Statement of nonexistence of unapproved or unauthorized cross-connections</u>. 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 Union City Water Treatment Department 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 premise and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #72-09, Sept. 2008)

18-417. <u>Fines and penalties</u>. (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 director 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. (as added by Ord. #72-09, Sept. 2008)

18-418. <u>Application of this chapter</u>. The requirements contained in this chapter shall apply to all premises served by the Union City Water Treatment Department and are hereby made part of the conditions required to be met for the Union City Water Treatment Department 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. (as added by Ord. #72-09, Sept. 2008)

CHAPTER 5

STORMWATER ORDINANCE

SECTION

18-501. General provisions.
18-502. Definitions.
18-503. Land disturbance permits.
18-504. Stormwater system design and management standards.
18-505. Post construction.
18-506. Waivers from post construction stormwater management requirements.
18-507. Existing locations and developments.
18-508. Illicit discharges.
18-509. Enforcement.
18-510. Penalties.
18-511. Appeals.
18-512. Placement of leaves, grass clippings, and other yard waste within the city's storm sewerage system.

18-501. General provisions. (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Union City and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, rivers, streams, ponds, and wetlands;

(b) Enable the City of Union City to comply with the National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from Small Separate Storm Systems, Permit No. TNS000000 and applicable regulations at 40 CFR § 122.26 for stormwater discharges; and

(c) Allow the City of Union City to exercise the powers granted at Tennessee Code Annotated, § 68-221-1105, which proves that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The Union City Department of Planning and Codes Enforcement shall administer the provisions of this ordinance. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-502. Definitions. For the purpose of this section, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined at the latest edition of Webster's Dictionary.

(1) "As built plans" means drawings depicting conditions as they were actually constructed.

(2) "Best Management Practices (BMPs)" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Union City, and that have been incorporated by reference into this ordinance as if fully set out therein.

(3) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(4) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Union City.

(5) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(6) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(7) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(8) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(9) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(10) "Erosion and sediment control plan" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(11) "Hotspot (priority area)" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(12) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(13) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted in § 18-503(3).

(14) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(15) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(16) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(17) "Municipal separate storm sewer system (MS4)" means the conveyances owned or operated by the municipality for the collection and

transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(18) "National Pollutant Discharge Elimination System (NPDES) permit" means a permit issued pursuant to 33 U.S.C. 1342.

(19) "Off-site facility" means a structural BMP located outside the subject property boundary described at the permit application for land development activity.

(20) "On-site facility" means a structural BMP located within the subject property boundary described at the permit application for land development activity.

(21) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(22) "Person" means 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.

(23) "Priority area" means "hot spot" as defined in subsection (11) above.

(24) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(25) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(26) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(27) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils scientist, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(28) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(29) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(30) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(31) "Stormwater management facilities" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(32) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the

programs, drainage systems, structures, BMPS, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(33) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(34) "Structural BMPs" means devices that are constructed to provide control of stormwater runoff.

(35) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(36) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(37) "Watershed" means all the land area that contributes runoff to a particular point along a waterway. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-503. Land disturbance permits. (1) Applicability. (a) Every person will be required to obtain a land disturbance permit from the City of Union City Department of Planning and Codes Enforcement in the following cases:

(i) Land disturbing activity disturbs one (1) or more acres of land;

(ii) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land;

(iii) Land disturbing activity of less than one (1) acre of land if, in the discretion of the City of Union City Department of Planning and Codes Enforcement, such activity poses a unique threat to water, or public health or safety; or

(iv) The creation and use of borrow pits.

(2) Withholding of building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.

(3) Exemptions. The following activities are exempt from the requirement to obtain a land disturbance permit:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the Natural Resources Conservation Service, U.S. Department of Agriculture or the Tennessee Division of Forestry.

(d) Additions or modifications to existing single family structures.

(4) Application for a land disturbance permit. (a) Each application for a land disturbance permit shall be made on a form provided by the City of Union City Department of Planning and Codes Enforcement and shall include the following:

(i) Name of applicant;

(ii) Business or residence address of applicant;

(iii) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

(iv) Address of subject property including the deed book and page number and the tax map number and tax map parcel number of the subject property;

(v) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(vi) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;

(vii) Where the subject property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits; and

(viii) The applicant shall obtain from any other state or federal agency any other appropriate environment permits that pertain to the subject property. However, the inclusion of those permits in the application shall not foreclose the City of Union City Department of Planning and Codes Enforcement from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(i) A stormwater management plan as described in § 18-504(4), providing for stormwater management during the land disturbing activity and after the activity has been completed;

(ii) A sediment and erosion control plan as described in § 18-504(5);

(iii) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by resolution or ordinance.

(5) Review and approval of application. (a) The City of Union City Department of Planning and Codes Enforcement will review each

application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the City of Union City Department of Planning and Codes Enforcement shall provide one of the following responses in writing:

(i) Approval of the permit application;

(ii) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or

(iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City of Union City Department of Planning and Codes Enforcement has granted conditional approval of the permit, the applicant shall submit a revised stormwater management plan and/or sediment and erosion control plan that conforms to the conditions established by the City of Union City Department of Planning and Codes Enforcement. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City of Union City Department of Planning and Codes Enforcement.

(6) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.

(7) Notice of construction. The applicant must notify the City of Union City Department of Planning and Codes Enforcement ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the City of Union City Department of Planning and Codes Enforcement. All inspections shall be documented and written reports prepared that contain the following information:

(a) The date and location of the inspection;

(b) Whether construction is in compliance with the approved stormwater management plan;

(c) Variations from the approved construction specifications; and

(d) Any violations of the land disturbance permit that exist.

(8) Performance bonds. (a) The City of Union City Department of Planning and Codes Enforcement may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a land disturbance permit in order to ensure that the stormwater practices are installed by the permit holder as required by

the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus a certain percentage of the total estimated costs. The performance security shall contain forfeiture provisions for failure to complete work stipulated at the stormwater management plan. The applicant for a land disturbance permit shall, at the request of the City of Union City Department of Planning and Codes Enforcement, provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City of Union City Department of Planning and Codes Enforcement. Alternatively the City of Union City Department of Planning and Codes Enforcement shall have the right to calculate the cost of construction cost estimates.

(b) Where required by the City of Union City Department of Planning and Codes Enforcement, the performance security or performance bond shall be released in full only upon submission of as-built plans and written notification by a registered professional engineer licensed to practice in Tennessee that the structural BMPs have been installed in accordance with the approved stormwater management plan and other applicable provisions of this ordinance. The City of Union City Department of Planning and Codes Enforcement will make a final inspection of the structural BMPs to ensure that they are in compliance with the approved stormwater management plan and the provisions of this ordinance. Provisions for a partial pro-rata release of any required performance security or performance bond based on the completion of various development stages can be made at the discretion of the City of Union City Department of Planning and Codes Enforcement. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-504. <u>Stormwater system design and management standards</u>. (1) <u>Stormwater management program handbook</u>. (a) The City of Union City adopts as its stormwater management program handbook the following document, which is incorporated by reference into this ordinance as if fully set out herein:

(i) "Stormwater Management Program Handbook for the City of Union City," dated November 2004, revised January 2006 prepared by J. R. Watford & Company, Consulting Engineers, Inc.

(b) This stormwater management program handbook includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The handbook may be updated and expanded from time to time, at the discretion of the Mayor and Council of the City of Union City, upon the recommendation of the City of Union City

Department of Planning and Codes Enforcement, based on improvements in engineering, science, monitoring and/or local maintenance experience. Stormwater management facilities that are designed, constructed and maintained in accordance with the BMP criteria included at the stormwater management handbook will be presumed to meet the minimum water quality performance standards.

(2) General performance criteria for stormwater management. Unless judged by the City of Union City Department of Planning and Codes Enforcement to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:

(a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms stipulated at this ordinance or in the stormwater management handbook and reduce the generation of post construction peak stormwater runoff rates to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed at the stormwater management program handbook.

(c) Stormwater discharges to critical areas with sensitive resources may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(d) Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.

(e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the City of Union City Department of Planning and Codes Enforcement to determine if they are subject to additional stormwater design requirements.

(f) The calculations for determining peak flows as found at the stormwater management program handbook shall be used for sizing all stormwater facilities.

(3) Minimum control requirements. (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements listed at the stormwater management program handbook.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Union City Department of Planning and Codes Enforcement may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(4) Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City of Union City Department of Planning and Codes Enforcement to evaluate the environmental characteristics of the proposed site of land disturbance, the potential present and future impacts of all proposed development of the site on water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the proposed site of land disturbance. To accomplish this goal the stormwater management plan shall include the following unless a waiver from post construction stormwater management as required by this ordinance is granted by the City of Union City Department of Planning and Codes Enforcement and then subsection (f) may be omitted:

(a) Topographic base map. A one inch equals twenty feet (1" = 20') topographic base map of the proposed site of land disturbance which extends a minimum of fifty feet (50') beyond the limits of the proposed land disturbance and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, and elevation of the nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, drainage patterns, locations of utilities, roads and easements, the limits of clearing and grading;

(v) Proposed structural BMPs; and

(vi) The location of a permanent elevation benchmark at the proposed site.

(b) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(c) Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms stipulated at the stormwater management program handbook. These calculations must demonstrate that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines at the stormwater management program handbook. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(iv) Peak runoff rates and total runoff volumes for each watershed area;

(v) Infiltration rates, where applicable;

(vi) Culvert, storm sewer, ditch and/or other stormwater conveyance capacities;

(vii) Flow velocities;

(viii) Data indicating the calculated increase in rate and volume of runoff for the design storms referenced at the stormwater management program handbook; and

(ix) Documentation of sources for all computation methods and field test results.

(d) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(e) Maintenance and repair plan. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(f) Landscaping plan. The applicant must prepare a detailed plan for management of vegetation at the site after construction is finished describing the vegetative stabilization and management techniques to be used at the site after construction is completed and including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(g) Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(h) Maintenance agreement. (i) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a

deed restriction binding on the current property owner and all subsequent property owners.

(ii) The maintenance agreement shall:

(A) Assign responsibility for the maintenance and repair of the on-site stormwater management facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(B) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs to the on-site stormwater management facility and ensure compliance with the purpose and requirements of this ordinance. The property owner will submit a written report of the inspection to the City of Union City Department of Planning and Codes Enforcement. It shall also grant permission to the City of Union City Department of Planning and Codes Enforcement to enter the property at reasonable times and to inspect the on-site stormwater management facility to ensure that it is being properly maintained.

(C) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation in detention and retention basins, and maintenance and repair of inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards stipulated at the stormwater management program handbook.

(D) Provide that maintenance needs of the on-site stormwater management facility must be addressed in a timely manner, on a schedule to be determined by the City of Union City Department of Planning and Codes Enforcement.

(E) Provide that if the on-site stormwater management facility is not maintained or repaired within the prescribed schedule, the City of Union City Department of Planning and Codes Enforcement shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Union City Department of Planning

and Codes Enforcement's cost of performing the maintenance shall be a lien against the property.

(ii) The City of Union City shall have the discretion to accept the dedication of any existing or future on-site stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any on-site stormwater management facility accepted by the City of Union City must also meet the City of Union City's construction standards and any other standards and specifications that apply to the particular on-site stormwater management facility in question.

(i) Sediment and erosion control plans. The applicant must prepare a sediment and erosion control plan for all proposed land disturbance activities that complies with the requirements at § 18-504(5).

(5) Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from the proposed land disturbing activity and shall explain and illustrate the measures that are to be taken to control these potential problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall conform to the requirements at the stormwater management program handbook, and shall include at least the following:

(a) A brief description of the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) Drawings and maps which depict the following:

(i) Topography with contour intervals of five feet (5') or less depicting present conditions and proposed contours resulting from land disturbing activity.

(ii) All existing drainage ways, including intermittent and wet-weather, and any designated floodways or flood plains.

(iii) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(iv) Stands of existing trees as they are to be preserved upon project completion, depicting their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the map and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be

submitted separately. The drawings and maps must include the sequence of implementation for tree protection measures.

(v) Approximate limits of proposed clearing, grading and filling.

(vi) Approximate flows of existing stormwater leaving any portion of the site.

(vii) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(viii) Location, size and layout of proposed stormwater and sedimentation control improvements.

(ix) Proposed drainage network.

(x) Proposed drainage structure or waterway sizes.

(xi) Approximate flows estimated to leave site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration and/or sheeting into buffers, are going to be used to prevent the scouring of waterways and drainage areas off-site.

(xii) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plan as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.

(xiii) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(xiv) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access locations; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City of Union City Department of Planning and Codes Enforcement. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the City of Union City Department of

Planning and Codes Enforcement. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(xv) Proposed structures; location and identification of any proposed additional buildings, structures or development on the site.

(xvi) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-505. Post construction. (1) As-built plans. All applicants are required to submit actual as-built plans for any structural BMPs located on-site after final construction is completed. The plan must depict the as-constructed condition for all stormwater management facilities. A final inspection by the City of Union City Department of Planning and Codes Enforcement is required before any performance security or performance bond will be released. The City of Union City Department of Planning and Codes Enforcement shall have the discretion to adopt provisions for a partial pro-rata release of any performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the City of Union City Department of Planning and Codes Enforcement.

(2) Landscaping and stabilization requirements. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the City of Union City Department of Planning and Codes Enforcement. The following criteria shall apply to revegetation efforts:

(a) Reseeding must be undertaken with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(b) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(c) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for at § 18-504(4)(h)(ii)(B).

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City of Union City Department of Planning and Codes Enforcement during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater management facilities under this ordinance, the City of Union City Department of Planning and Codes Enforcement, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the stormwater management facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Union City Department of Planning and Codes Enforcement shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City of Union City Department of Planning and Codes Enforcement may take necessary corrective action. The cost of any action by the City of Union City Department of Planning and Codes Enforcement under this section shall be charged to the responsible party. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-506. Waivers from post construction stormwater management requirements. (1) General. Every applicant for a land disturbance permit shall provide for post construction stormwater management as required by this ordinance, unless a written request is filed with and approved by the City of Union City Department of Planning and Codes Enforcement to waive this requirement.

(2) Conditions for waiver. The post construction stormwater management required by this ordinance may be waived in whole or in part by the Union City Department of Planning and Codes Enforcement upon written request by the applicant for a land disturbance permit, provided that at least one (1) of the following conditions applies:

(a) It can be demonstrated that the waiver of post construction stormwater management requirements for the proposed land disturbance activity is not likely to impair attainment of the objectives of this ordinance;

(b) Alternative minimum requirements for on-site post construction management of stormwater discharges have been established in a stormwater management plant that has been approved

by the City of Union City Department of Planning and Codes Enforcement; or

(c) Provisions are made to manage post construction stormwater discharges by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than the level of stormwater control which would be afforded by structural BMPs located on-site after final construction is completed. Further, the off-site facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

(3) Downstream damage prohibited. In order to receive a waiver from the post construction stormwater management required by this ordinance, the applicant for a land disturbance permit must demonstrate to the satisfaction of the City of Union City Department of Planning and Codes Enforcement that the waiver will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions of habitat;

(c) Accelerated streambank or streambed erosion or siltation; and

(d) Increased threat of flood damage to public health, life or property.

(4) Land disturbance permit not to be issued until waiver request is decided. In the event that the applicant for a land disturbance permit requests a waiver from post construction stormwater management as required by this ordinance, the City of Union City Department of Planning and Codes Enforcement shall not issue the land disturbance permit until the waiver is either granted or denied. If the requested waiver is denied by the City of Union City Department of Planning and Codes Enforcement, the stormwater management plan shall be revised to include the post construction stormwater management as required by this ordinance and resubmitted for approval. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-507. Existing locations and developments. (1) Requirements for all existing locations and developments. The following requirements shall apply to all locations and developments at which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines stipulated at § 18-505(2) and on a schedule acceptable to the City of Union City Department of Planning and Codes Enforcement.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap or other channel lining to prevent erosion.

(d) Rubbish shall be cleared from drainage ways.

(e) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters.

(2) Requirements for existing problem locations. The City of Union City Department of Planning and Codes Enforcement shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The City of Union City Department of Planning and Codes Enforcement may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities built before the adoption of this ordinance are functioning within design limits stipulated at this ordinance. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems issued to the City of Union City; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPS.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the City of Union City Department of Planning and Codes Enforcement under this section are subject to appeal as described in § 18-511. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-508. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the City of Union City's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the City of Union City municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the City of Union City municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:

(i) Water line flushing or other potable water sources;

(ii) Landscape irrigation or lawn watering with potable water;

(iii) Diverted stream flows;

(iv) Rising groundwater;

(v) Groundwater infiltration to storm drians;

(vi) Pumped groundwater;

(vii) Foundation or footing drains;

(viii) Crawl space pumps;

(ix) Air conditioning condensation;

(x) Springs;

(xi) Non-commercial washing of vehicles;

(xii) Natural riparian habitat or wet-land flows;

(xiii) Swimming pools (if dechlorinated to contain less than one (1) part per million of free residual chlorine);

(xiv) Fire fighting activities; and

(xv) Any other uncontaminated water source.

(b) Discharges stipulated in writing by the City of Union City Department of Planning and Codes Enforcement as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the City of Union City Department of Planning and Codes Enforcement has so stipulated in writing.

(3) Prohibition of illicit connections. (a) The construction, use, maintenance or continued existence of illicit connections to the City of Union City municipal separate storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the City of Union City municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into the City of Union City municipal

separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City of Union City Department of Planning and Codes Enforcement in person or by telephone or facsimile communication no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City of Union City Department of Planning and Codes Enforcement within three (3) business days after the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-509. Enforcement. (1) Enforcement authority. The city manager of the City of Union City or his designees shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided at this section.

(2) Notification of violation. (a) Written notice. Whenever the city manager of the City of Union City finds that any person discharging stormwater has violated or is violating this ordinance or a permit to conduct land disturbance or order issued hereunder, the city manager may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the city manager. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent orders. The city manager of the City of Union City is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also stipulated at the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-509(2)(d) and (e).

(c) Show cause hearing. The city manager of the City of Union City may order any person who violates this ordinance or the requirements at a land disturbance permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action,

and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(d) Compliance order. When the city manager of the City of Union City finds that any person has violated or continues to violate this ordinance or the requirements at a land disturbance permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures and/or devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(e) Cease and desist orders. When the city manager of the City of Union City finds that any person has violated or continues to violate this ordinance or the requirements at a land disturbance permit or order issued hereunder, the city manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith; or

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(3) Conflicting standards. Whenever there is a conflict between any standard contained at this ordinance and in the Stormwater Management Program Handbook adopted by the City of Union City under this ordinance, the strictest standard shall prevail. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-510. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Union City, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided at Tennessee Code Annotated, § 68-221-1106, the City of Union City declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Union City of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the city manager of the City of Union City may consider:

(a) The harm done to the public health of the environment;

(b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(c) The economic benefit gained by the violator;

(d) The amount of effort put forth by the violator to remedy this violation;

(e) Any unusual or extraordinary enforcement costs incurred by the City of Union City;

(f) The amount of penalty established by ordinance or resolution for specific categories of violations; and

(g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty described at § 18-510(2), the City of Union City may recover:

(a) All damages proximately caused by the violator to the City of Union City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.

(b) The costs of the maintenance performed by the City of Union City of stormwater management facilities when the user of such facilities fails to maintain them as required at this ordinance.

(5) Other remedies. The City of Union City may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(6) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-511. Appeals. Pursuant to the requirements of Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the mayor and council of the City of Union City.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the city manager within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the mayor and council of the City of Union City shall hold a public hearing withing thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be

sent to the address provided by the aggrieved party at the time of appeal. The decision of the mayor and council of the City of Union City shall be final.

(3) Appealing decisions of the mayor and council of the City of Union City. Any alleged violator may appeal a decision of the mayor and council of the City of Union City pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

18-512. Placement of leaves, grass clippings, and other yard waste within the city's storm sewerage system. (1) Definitions. For the purposes of interpreting and enforcing this section, the following definitions shall apply:

(a) "Storm sewerage system" shall mean any drainage ditch, street, gutter, culvert, drainage tile or pipe, or stormwater detention pond which is owned by the City of Union City or, any privately owned facilities which deposit stormwater into the drainage ditches, streets, gutters, culverts, drainage tiles or pipes, or stormwater detention ponds of the City of Union City.

(b) "Yard wastes" shall mean trees, tree limbs, leaves, brush, weeds, grass clippings, landscape pruning, garden plants, and other natural materials.

(2) Placement of leaves, grass clippings, and other yard wastes in the city's storm sewage system prohibited. It shall be unlawful for any person to place leaves, grass clippings or other yard wastes into any part of the storm sewerage system owned by the City of Union City, or into any privately owned storm sewerage system which drains or deposits into the city's sewerage system.

(3) Penalty for violation. All persons found to be in violation of any provision of this section shall be subject to a fine in the municipal court of the City of Union City not to exceed fifty dollars ($50.00) plus any and all applicable court costs. (as added by Ord. #54-07, Feb. 2007)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY

SECTION

19-101. Name of system.
19-102. "Union City Electric Power Board"--function--membership.
19-103. Rights, powers and duties of the board.
19-104. Bond and oath of board members.
19-105. Compensation of board members.
19-106. Meetings of the board.
19-107. Limitation on board's control.

19-101. Name of system. The official name and designation of the electric system of Union City, Tennessee, shall hereinafter be "The Union City Electric System." (1963 Code, § 13-301)

19-102. "Union City Electric Power Board"--function--membership. The general supervision and control and the acquisition, improvement, operation and maintenance of the Union City Electric System shall be in charge of the "Union City Electric Power Board." The board shall consist of five (5) members, four (4) of whom shall be city property owners and residents who are otherwise qualified as provided in Tennessee Code Annotated, §§ 7-52-107--7-52-109. The fifth member of the board shall be one of the seven councilmen of the city. (1963 Code, § 13-302)

19-103. Rights, powers and duties of the board. The Union City Electric Power Board shall have all the rights, powers and duties set forth in the Municipal Electric Plant Act of 1935 for the State of Tennessee, and, in particular those rights, duties and requirements set forth in Tennessee Code Annotated, §§7-52-111--7-52-118. (1963 Code, § 13-303)

19-104. Bond and oath of board members. Each member of the Union City Electric Power Board shall, after his appointment and before taking office, execute a bond in the penal sum of five thousand dollars ($5,000.00), payable to the city, to well and truly do and perform his duties as such board

member. Each board member shall also, upon taking office, qualify by taking the same oath of office as required for members of the city council. (1963 Code, § 13-304)

19-105. Compensation of board members. Members of the board shall serve as such without compensation, but they shall be allowed necessary traveling and other expenses while engaged in the business of the board, including an allowance of not to exceed twenty-five dollars ($25.00) per month for attendance at meetings. (1963 Code, § 13-305)

19-106. Meetings of the board. The board shall hold public meetings at least once a month at such regular time and place as the board may determine, and shall do all things and acts required of it as provided by the Municipal Electric Plant Act of 1935. (1963 Code, § 13-306)

19-107. Limitation on board's control. The board shall have supervision of the Union City Electric System only and shall have no control or supervision of the water department or any other department of the city. (1963 Code, § 13-307)

CHAPTER 2

GAS[1]

SECTION

19-201. To be furnished under franchise.
19-202. Protection of water and sewer lines.
19-203. Chapter not applicable to "bottled gas" lines.

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.[2] (1963 Code, § 13-401)

19-202. Protection of water and sewer lines. The director of public works and/or his representative shall consult with representatives of the gas franchise holder when it is deemed necessary to avoid injury or damage to city water or sewer lines or other city property in the vicinity of newly proposed gas lines. (1963 Code, § 13-402)

19-203. Chapter not applicable to "bottled gas" lines. This chapter shall not pertain to the installation of what is known as "bottled gas" lines in Union City. (1963 Code, § 13-403)

---

[1]Municipal code reference
Gas code: title 12.

[2]The agreements are of record in the office of the city clerk.

TITLE 20

MISCELLANEOUS

CHAPTER

1. CITY CEMETERIES.
2. FALSE EMERGENCY ALARMS.

CHAPTER 1

CITY CEMETERIES

SECTION

20-101. City cemetery additions designated.
20-102. General regulations for cemeteries.
20-103. "Union City Perpetual Care Cemetery Board."
20-104. Trust fund for perpetual maintenance of grave lots.
20-105. Maintenance under this chapter to be supplementary.

20-101. City cemetery additions designated. The city cemetery additions shall be designated as follows:

(1) Old addition. This addition shall comprise all of the addition to the Eastview Cemetery generally bounded as follows: On the north by property formerly owned by Mrs. P. C. Ford, designated as the Perpetual Care addition and now owned by the City of Union City; on the south by the L & N Railroad; on the east by the East Addition to Eastview Cemetery; and, on the west by South Miles Avenue.

(2) Perpetual Care addition. This area (former new addition) consists of property acquired by the City of Union City from Mrs. P. C. Ford and J. P. O'Bannon, and is generally bounded as follows: On the north by East Church Street; on the south by the Old and East Additions to Eastview Cemetery; on the east by South Sunswept Drive; and, on the west by South Miles Avenue.

(3) East addition. This area is generally bounded as follows: On the north by the Perpetual Care Addition; on the south by the L & N Railroad; on the east by South Sunswept Drive; and, on the west by the Old Addition to Eastview Cemetery. (1963 Code, § 12-201)

20-102. General regulations for cemeteries. The following regulations shall be enforced in the operation and maintenance of the city cemeteries and all cemetery deeds issued by the city shall make due and proper reference to these regulations:

(1) No cemetery lot shall be used for any other purpose than for burial of the dead.

(2) The grades of all lots shall be determined by the city council.

(3) Proprietors of lots in the Perpetual Care Addition will be entitled to bury anyone in the lot owned by them. Proprietors of lots in the Old and East Additions may bury anyone upon their lots, subject to non-resident burial regulations adopted by the city.

(4) No disinterments shall be permitted or allowed without the written consent or permit of the city council.

(5) No trees shall be planted on any of the lots. All shrubs or plants placed on cemetery lots must have the prior approval of the city cemetery sexton or the city council, and proprietors must maintain and care for such shrubs and plants placed upon their lots. Should any plants or shrubs or present trees become detrimental to adjacent lots, avenues, walks or drives, or dangerous or inconvenient to visitors, they shall be removed.

(6) Persons purchasing lots in the new addition to the Eastview Cemetery shall be restricted in the construction of tombstones on those sections consisting of eight (8) grave lots as follows: Only one (1) central tombstone, monument or other sepulchral structure shall be constructed. However, in addition, individual, flat-type name markers may be constructed at each individual grave within the section.

(7) Proprietors of other lots within the new addition or any other additions to the cemetery shall have the right, under the superintendency of the cemetery sexton, to erect tombstones, monuments and other sepulchral structures on their respective lots. However, should any inscription, effigy or structure be deemed by the city council as unfitting or improper, or not conducive to the beauty and attractiveness of the cemetery, it shall be removed.

(8) No fence or wall shall hereafter be erected upon any cemetery lot and no slabs or corner markers shall rise above the level of the ground.

(9) In order that the city may at all times have a permanent record of the ownership of all cemetery lots, it shall be unlawful for any person, firm or corporation owning a cemetery lot in any of the additions to the Eastview Cemetery to sell, transfer or convey the same without obtaining the prior, written consent of the city council.

(10) All workmen employed in the cemetery are and shall be subject to the control and direction of the city council in regard to such work. Any workman failing and refusing to be so governed and controlled shall be ejected from the cemetery and shall not again be permitted to work therein.

(11) A rigid grave liner shall be required with any burial that takes place in any cemetery owned or maintained by the City of Union City. The grave liner shall be of such material as to withstand the weight and the pressure of the earth around it and of such material as will not deteriorate because of soil, moisture and water. The liner shall be constructed in concrete with the walls having a minimum thickness of 1 5/16 inches reinforced with wire and the top having a minimum thickness of 2 1/4 inches reinforced with wire and steel rods so that the casket will be completely enclosed. In lieu of a concrete liner, a

metal box or a vault having the characteristics theretofore described may be used. (1963 Code, § 12-202, as amended by Ord. #16-93, June 1993)

20-103. "Union City Perpetual Care Cemetery Board." There is hereby created a supervisory board known as the "Union City Perpetual Care Cemetery Board," consisting of three members. One member shall be the mayor and his term of office on the board shall terminate with his term of office as mayor. The other two members shall be appointed by the mayor with the approval of the city council and shall be residents and property owners of the city. Such appointed members shall serve for a period of four (4) years, except that of the first two (2) members so appointed one (1) shall serve for two (2) years and the other for four (4) years. The terms of office of the two (2) appointed members shall run from January 1st to December 31st, the initial appointments to be retroactive to January 1, 1955.

The board shall hold its first meeting within ten (10) days after being appointed and at its first meeting a chairman and vice chairman shall be elected, with the mayor to serve as the secretary and treasurer of the board. The board shall meet not less than twice each year; provided, however, that it may hold special meetings upon the call of the chairman or any two (2) members. The board shall adopt a set of bylaws for its operation.

Once each year, during the month of January, the board shall make a report to the city council as to its activities and particularly as to the status of the trust fund. (1963 Code, § 12-203)

20-104. Trust fund for perpetual maintenance of grave lots. There shall be set up a permanent trust fund for the perpetual maintenance of the grave lots within the new cemetery addition. The trust fund shall be handled and supervised by the "Union City Perpetual Care Cemetery Board." The trust fund shall be created by placing twenty-five dollars ($25. 00) of the sum received for each cemetery lot sold in the new addition to the Eastview Cemetery in what shall be designated as the "cemetery trust fund." Said fund shall be invested by and under the direction of the cemetery board and the income therefrom shall be perpetually used for the maintenance, preservation and improvement of the cemetery grounds and lots in said new addition to the Eastview Cemetery.

Any person or groups of persons owning four (4) or more contiguous blocks of eight (8) grave plots in the old or colored cemeteries may, upon petition to the board, and upon payment into the trust fund of the sum of twenty-five dollars ($25.00) per grave plot, qualify for perpetual care and maintenance of their grave plots.

The sum to be paid into the trust fund on any lot for the perpetual care of the same shall not be less than twenty-five dollars ($25.00) per grave plot. The board shall not be empowered to designate the price for city cemetery lots, such prices to be determined by the city council.

The trust fund shall only be invested in investments approved by the state legislature, as provided by the statutes of this state for guardians and administrators. All checks drawn against the trust fund must be countersigned by the mayor and one other member of the board. The principal of the trust fund shall not be encroached upon. The interest alone from the trust fund shall be used in the maintenance of the perpetual maintenance grave plots. If, at the end of any year, the board has not expended all of the income from the trust fund, the board may place such unused interest in the principal fund. (1963 Code, § 12-204)

20-105. Maintenance under this chapter to be supplementary. It is not the purpose of this chapter, in the creation of the Union City Perpetual Care Cemetery Board, to leave the entire maintenance and care of "perpetual maintenance cemetery lots" in the hands of said board. Such cemetery lots shall be entitled to the same general maintenance and care as is provided by the city for other cemetery lots within the city cemeteries. The perpetual care trust fund shall be used by the board in supplementing city maintenance and care of said graves. (1963 Code, § 12-205)

CHAPTER 2

FALSE EMERGENCY ALARMS

SECTION

20-201. Definitions.
20-202. Alarm permit.
20-203. Violation.
20-204. Schedule of notices and fees.
20-205. Exemptions.

20-201. Definitions. As used in this chapter, such words and phrases shall have the following meanings:

(1) "Alarm business" means the business by an individual, partnership, corporation, or other entity, of selling, leasing, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm system at an alarm site.

(2) "Alarm permit" means a permit issued by the city allowing the operation of an alarm system within the city.

(3) "Alarm site" means a single premises of location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex shall be considered a separate alarm site.

(4) "Alarm system" means any device designed for the detection of unauthorized entry on or into any building, place or premises, or for alerting others of the commission of an unlawful act, or both, and when activated causes an audible and/or visual signal or transmits a signal or message to which law enforcement, fire prevention, or other emergency personnel are expected to respond or which would imply to a reasonable person that such personnel are needed at the alarm source.

(5) "Alarm user" means any person, firm, partnership, company, association, corporation, or owner, tenant, or lessee or their representative, or premises on which an alarm is installed, maintained, or utilized.

(6) "False alarm" means the activation of an alarm system resulting in a response by law enforcement, fire prevention, or emergency personnel of the City of Union City to the building, place or premises on which the alarm system is located when such responding personnel finds no evidence of an unauthorized entry, criminal act or attempted criminal act, fire, or other emergency situation. An alarm dispatch request which is cancelled by the alarm business or the alarm user prior to the time the responding personnel arrive at the alarm site shall not be considered a false alarm.

(7) "Monitoring" means the process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to the City of Union City for the purpose of summoning law enforcement, fire

prevention, or emergency personnel to the alarm site. (as added by Ord. #53-07, Feb. 2007, and replaced by Ord. #83-09, July 2009)

20-202. **Alarm permit**. No person shall use an alarm system without first obtaining a permit for such alarm system from the city. The permit may be obtained by the alarm business or individual owner by registering required information with the city. Any change of ownership or registration information must be made within thirty (30) days of any change. (as added by Ord. #53-07, Feb. 2007, and replaced by Ord. #83-09, July 2009)

20-203. **Violation**. Each false alarm received by the City of Union City is a violation of this chapter. (as added by Ord. #53-07, Feb. 2007, and replaced by Ord. #83-09, July 2009)

20-204. **Schedule of notices and fees**. The following schedule of notices, warnings, and fees shall be assessed to alarm users and/or alarm businesses for false emergency alarms transmitted to the City of Union City within any continuing twelve (12) month period:

(1) First false alarm. No fee, verbal notification by the Union City Police Department or Union City Fire Department.

(2) Second false alarm. No fee, written notification advising the alarm user and/or alarm business of the provisions of this chapter.

(3) Third and all subsequent false alarms and failure to register. A civil penalty of twenty-five dollars ($25.00) will be assessed and paid within thirty (30) days from the date of the invoice. (as added by Ord. #53-07, Feb. 2007, and replaced by Ord. #83-09, July 2009)

20-205. **Exemptions**. The following properties and services shall be exempt from the provisions of § 20-203 of this chapter:

(1) False alarms recorded within the first fourteen (14) days after installation.

(2) False alarms which can be substantiated as being caused by railroad trains.

(3) False alarms involving municipal or county buildings, grounds, or property.

(4) Emergency services performed outside the jurisdiction of the city pursuant to a mutual aid contract, or other contract, with another municipality.

(5) False alarms recorded as a result of storms, earthquakes, or other similar conditions beyond the reasonable control of alarm users or alarm businesses.

(6) False alarms activated by a person working on the alarm system with the prior notification of the alarm business serving the alarm site.

(7) False alarms which can be substantiated as being activated by disruption or disturbance of telephone company facilities or motor vehicle-utility pole accidents.

(8) False alarms from rural fire customers since a charge is already assessed for responding to these calls.

(9) The city may grant the option of attending an "Alarm Users Awareness Class" in lieu of paying one (1) assessed fee. (as added by Ord. #83-09, July 2009)