

THE
SIGNAL MOUNTAIN
MUNICIPAL
CODE

Prepared by the
Municipal Technical Advisory Service
Institute for Public Service
The University of Tennessee
in cooperation with the
Tennessee Municipal League

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Change 8, March 10, 2003

TOWN OF SIGNAL MOUNTAIN, TENNESSEE

MAYOR

James H. Althaus

VICE-MAYOR

William O. Leonard

COUNCILMEN

Rachel Bryant
Stephen Ruffin
Robert E. White, II

TOWN ATTORNEY

Phil Noblett

TOWN RECORDER

Diana Campbell

PREFACE

The Signal Mountain Municipal Code contains the codification and revision of the ordinances of the Town of Signal Mountain, 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 substantial modification of the original ordinance.

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the town agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

Presently, 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 Mrs. Tracy Gardner, the MTAS Senior Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Andre Coure
Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
TOWN CHARTER

SECTION 10. Procedure for adopting ordinances. All ordinances shall begin with the clause, "Be it ordained by the Council of the Town of Signal Mountain, Tennessee." An ordinance may be introduced by any of the five (5) members of the Council. The body of ordinances may be omitted from the minutes on first reading, but reference therein shall be made to the ordinance by title and subject matter. Every ordinance shall be passed on two (2) different days, at regular, special or adjourned meetings, with at least one (1) passage occurring at a regular meeting. Copies of the text of every ordinance must be made available to the public during every meeting in which the ordinance is subject to a reading. Every ordinance must receive at least three (3) positive votes on each reading. No material or substantial amendment may be made to an ordinance on final passage, unless such amendment be passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the presiding officer of the Council, and shall be immediately taken charge of by the Recorder and numbered, copied in an ordinance book and there authenticated by the signature of the Recorder, and filed and preserved in the Recorder's office.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. TOWN COUNCIL.
2. ETHICS POLICY.
3. BOND FOR OFFICERS AND EMPLOYEES.

CHAPTER 1

TOWN COUNCIL²

SECTION

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

1-101. Time and place of regular meetings. The town council shall hold regular monthly meetings at 7:00 P.M. on the second Monday of each month at the town hall. (1985 Code, § 1-101, modified)

1-102. Order of business. At each meeting of the town council, 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) Approval or corrections of minutes of previous meeting.
- (3) Questions, requests, and concerns of citizens.
- (4) Communications from the mayor.
- (5) Reports from committees or boards.
- (6) Reports from the town council.
- (7) Adjournment.

The order of items 3,4,5 and 6 shall be at the discretion of the mayor. (1985 Code, § 1-102, modified)

¹See Title 2, Board and Commissions, for citizens advisory committee and other city boards.

²See Article IV, Town Council, for specific duties and restrictions on mayor and town council; See also Article V, Town Manager, for appointment, powers and duties, etc., of town manager, and Article VIII, Administration, for personnel rules, department, offices, and agencies generally, direction and supervision, etc.

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the town council 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. (1985 Code, § 1-103)

1-104. Notification of vacancy. In the event that three council members fail to attend three consecutive regular meetings of the council without being excused by the council, then the other one, or two, council members who do attend the three meetings, but cannot act because of a "lack of a quorum" shall, after the expiration of thirty (30) days from the third consecutive missed meeting date, notify the Hamilton County Election Commission of the office vacancy and request them to hold a special election to fill the vacancy for the unexpired terms as set out in the Charter of the Town of Signal Mountain, Private Chapter No. 126, House Bill No. 1642, Private Acts of 1990. (As added by Ord. #98-16, June 1998)

CHAPTER 2

ETHICS POLICY

SECTION

1-201. Ethics.

1-201. Ethics. Each member of the town council, or any board, committee, or commission of the Town of Signal Mountain, Tennessee shall perform his or her duties ethically and with the highest degree of integrity and shall avoid potential or actual conflicts of interest regarding his or her duties.

If any member of the town council, or any board, committee, or commission appointed by the town council stands to receive a "direct financial interest" (defined as any contract with the official himself or with any business in which the official is the sole proprietor, a partner, or the owner of the largest number of outstanding shares held by any individual or corporation from a vote of the public body they sit on) then such member shall recuse himself/herself (refrain from voting) on such issue, announce such recusal when the chair announces the item, and refrain from voting on the matter.

On issues of "indirect financial interest" (defined as financial benefits less than "direct interest" situations, but also including, "direct interests" if the individual is the only supplier of such goods or services reasonably available), voting on their business contract is allowed if they announce their interest in advance of the vote. (As added by Ord. #98-12, May 1998)

CHAPTER 3

BOND FOR OFFICERS AND EMPLOYEES

SECTION

1-301. Bond for council members, town manager and town recorder.

1-302. Bond--employees.

1-303. Bond costs.

1-301. Bond for council members, town manager and town recorder. That the council members of the Town of Signal Mountain, Tennessee, the town manager, and the town recorder shall execute and give the Town of Signal Mountain, Tennessee, a surety bond, with some surety company authorized to do business in the State of Tennessee, in the amount of two hundred fifty thousand dollars (\$250,000.00), as surety, for their duties embracing the receipt, disbursement, custody or handling of money for the town. (as added by Ord. #2000-6, June 2000)

1-302. Bond--employees. That the employees of the Town of Signal Mountain, Tennessee shall execute and give the Town of Signal Mountain, Tennessee, a surety bond, with some surety company authorized to do business in the State of Tennessee, in the amount of one hundred thousand dollars (\$100,000.00), as surety, for their duties embracing the receipt, disbursement, custody or handling of money for the town. (as added by Ord. #2000-6, June 2000)

1-303. Bond costs. That the cost of all bonds shall be and expense of the town. (as added by Ord. #2000-6, June 2000)

TITLE 2

BOARD AND COMMISSIONS, ETC.

CHAPTER

1. LIBRARY BOARD.
2. CITIZEN'S ADVISORY COMMITTEE.
3. RECREATION BOARD.
4. PARK BOARD.
5. SIGNAL MOUNTAIN DESIGN REVIEW COMMISSION.

CHAPTER 1

LIBRARY BOARD

SECTION

- 2-101. Library board established.
- 2-102. Appointment and tenure of members; filling vacancies.
- 2-103. Duties and powers.
- 2-104. Limitation on fiscal authority.
- 2-105. Reports to the town council.

2-101. Library board established. There is hereby established a library board which shall consist of seven (7) members, who shall serve without pay. (Ord. # 90-2, Nov. 1990)

2-102. Appointment and tenure of members; filling vacancies. The members of the library board shall be appointed by the town council, three for one (1) year, two for two (2) years and two for three (3) years, and their successors for a term of three (3) years. Not more than one (1) (official) each of the county and of the town governing bodies shall served on this board. Not more than five (5) of the members shall be of the same sex. Vacancies in the library board occurring otherwise than by normal expiration of a term shall be filled by the council for the unexpired portion of the term. (Ord. # 90-2, Nov. 1990, modified)

2-103. Duties and powers. It shall be the duty and function of the library board to plan, supervise and control the establishment and continued operation of a public library for the town. In order to fulfill this function, the board shall be vested with the following powers, which shall be exercised by a majority vote:

- (1) To receive gifts, bequests or devises of money or any type of real or personal property given for the benefit of the library.
- (2) Subject to this chapter, to receive and disburse funds as necessary for the establishment and continued operation of the library.

(3) To appoint committees of volunteers to promote and accomplish the initial funding and establishment of the library and to carry out its operations when established.

(4) To promulgate rules and regulations for the operation of the library; however, all such rules and regulations shall be subject to the approval of the town council.

(5) Subject to this chapter, to enter into all such contracts and agreements as may be necessary for and incidental to the establishment and operation of the public library.

(6) To participate in programs sponsored by federal, state or local governments for the development and improvement of public libraries and other public facilities, for which the library may be eligible.

(7) To cooperate with other public libraries in the circulation of books, exchange of information and other joint operations.

(8) Subject to this chapter, the library board shall have all other powers that are necessary and appropriate for the establishment and operation of a public library. (1985 Code, § 1-403)

2-104. Limitation on fiscal authority. The library board shall submit a budget to, and shall carry out its programs within the confines of, the budget prescribed by, the town council. (1985 Code, § 1-404)

2-105. Reports to the town council. The library board shall make annual reports to the town council disclosing the status of the public library, both financial and otherwise. In addition to the annual reports, the town council may order additional reports by the library board at such times as it deems necessary. (1985 Code, § 1-405)

CHAPTER 2

CITIZEN'S ADVISORY COMMITTEE

SECTION

2-201. Establishment; appointment and term of members.

2-202. Organization.

2-203. Functions.

2-201. Establishment; appointment and term of members.¹ There is hereby created a committee to be known as the citizen's advisory committee, composed of fifteen (15) residents of the town, to be appointed by the mayor with the advice and consent of the town council.

Each member appointed to the Citizen's Advisory Committee shall serve for a term of two (2) years. (1985 Code, § 1-501, modified)

2-202. Organization. The citizen's advisory committee shall elect from its own membership a chairman, a vice-chairman and a secretary. (1985 Code, § 1-502)

2-203. Functions. The citizen's advisory committee shall be charged with the duty of communicating from the town council to the general public the plans of the town council and the operation of the town government, and shall also be charged with the duty of communicating to the town council suggestions, complaints and other projects for changes, improvements or betterments in the town, together with the recommendations of the committee with respect to such action. (1985 Code, § 1-503)

¹See Article IV, section 2, "Mayor", for power to appoint citizen's advisory committee.

CHAPTER 3

RECREATION BOARD

SECTION

2-301. Establishment; membership, terms, etc.

2-302. Purpose.

2-303. Powers and duties.

2-301. Establishment; membership, terms, etc. There is hereby created a recreation board hereafter known as the "the board", which shall consist of six (6) members. Initial members shall be appointed by the mayor to serve the following terms: two (2) members for one (1) year, two (2) members for two (2) years, two (2) members for three (3) years. Subsequent members shall be appointed by the town council. The term of office will be three (3) years. The board shall be an advisory body to the recreation director. A chairman will be elected annually from within the board. The members of the board shall not sit on boards of Signal Mountain recreational leagues/organizations. The recreation director will be a voting member of the board. Meetings will be held the third Thursday of each month at 7:00 p.m. Additional meetings to be held when needed. (1985 Code, § 1-601, as replaced by ord. No. 91-12)

2-302. Purpose. The board shall act as representatives of the citizens of the Town of Signal Mountain to determine the recreational objectives and needs of the town and to establish policies and goals that will fulfill these objectives and needs. The board will assist the recreation director in providing to the town council and town manager recommendations concerning all facets of recreational activities in the town. (1985 Code, § 1-602, as replaced by ord. No. 91-12)

2-303. Powers and duties. Among other duties, the board shall be empowered to:

(1) Recommend a budget to the recreation director for the spending of funds for recreational purposes.

(2) The board may solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes.

(3) Entertain suggestions, complaints, and/or comments from league representatives, interested citizens, or other parties pertaining to the recreational policies of Signal Mountain.

(4) Review the organization of participating leagues, and structure in such a manner as to assure proper communication to the board and assure compliance with the recreations philosophy of Signal Mountain.

- (5) Exert influence on the leagues to assure compliance with established recreational goals.
- (6) Collect financial data from leagues to assure compliance with established recreational goals.
- (7) Receive a listing from each league at the beginning and end of its season regarding required maintenance and suggested improvements for its facilities.
- (8) Recommend fee structure for all town recreational charges.
- (9) Approve fee structure for all league fees.
- (10) Approve schedule of events for all recreational activities within Town of Signal Mountain. (1985 Code, § 1-603, as replaced by ord. No. 91-12)

CHAPTER 4

PARK BOARD

SECTION

2-401. Establishment, membership, terms, etc.

2-402. Filling vacancies in office.

2-403. Organization.

2-404. Powers and duties.

2-405. Reports.

2-406. Budget, gifts, etc.

2-401. Establishment, membership, terms, etc. There is hereby established a park board which shall consist of five (5) members appointed by the mayor with the approval of the town council. The members of the park board shall serve for terms of five (5) years, except that the members of the board first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. The members of the park board shall serve without compensation. (1985 Code, § 1-701)

2-402. Filling vacancies in office. Vacancies on the park board occurring other than by expiration of a term shall be filled by the mayor for the unexpired term. (1985 Code, § 1-702)

2-403. Organization. Immediately after their appointment, the members of the park board shall meet and organize by electing one of their number as chairman and such other officers as may be necessary. (1985 Code, § 1-703)

2-404. Powers and duties. The park board shall have the power to supervise public parks or any of the property owned or created by the town, except the recreation areas under the jurisdiction of the recreation board.

The park board shall have the power to promulgate such by-laws and rules and regulations as are necessary for the proper management of the facilities under its control; however, all such by-laws and rules and regulations shall not be effective until they are approved by the town council. (1985 Code, § 1-704)

2-405. Reports. The park board shall make annual reports to the town council and other reports from time to time, as requested. (1985 Code, § 1-705)

2-406. Budget, gifts, etc. The park board shall annually submit a budget report to the town council, not later than the fifteenth day of August of each year. The park board may solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for

either temporary or permanent use for playgrounds or other recreational purposes. (1985 Code, § 1-706)

CHAPTER 5

SIGNAL MOUNTAIN DESIGN REVIEW COMMISSION

SECTION

- 2-501. Purpose.
- 2-502. Creation.
- 2-503. Membership.
- 2-504. Term.
- 2-505. Meetings.
- 2-506. Development subject to design review commission review.
- 2-507. Plan submissions.
- 2-508. Standards.
- 2-509. Building applications--issuance of permit.
- 2-510. Appeals.
- 2-511. Project development contract.

2-501. Purpose. (1) Maintenance of the town as a predominantly single-family residential community by protecting the character and integrity of existing and future residential areas through the provision of high quality design standards in new development and the protection of residential areas from encroachment by noncompatible land uses;

(2) Maintenance of a balance among land uses within the town favoring residential over commercial or industrial growth, a policy requiring the town to protect its' residential property tax base through the implementation of appropriate community appearance standards generally and, more specifically, of standards insuring that commercial, industrial and multi-family development do not impair the property values of single-family detached residential development within the town. (as added by Ord. #93-8, § 2, June 1993)

2-502. Creation. There is hereby created the Signal Mountain Design Review Commission ("Commission"), which shall have the structure, powers and functions as hereinafter provided. (as added by Ord. #93-8, § 3, June 1993)

2-503. Membership. The commission shall consist of seven (7) members appointed by the mayor with the advice and consent of the council. The following fields may be represented through the appointment of at least one member professionally qualified in each field: architecture, realtor, and builder/contractor. The commission shall select its own chairman, vice-chairman and secretary. The town building official and the town manager

shall provide staff support to the commission. (as added by Ord. #93-8, § 4, June 1993, and amended by Ord. #95-2, § 1, Feb. 1995)¹

2-504. Term. Terms of all commission members shall be for three (3) years with the initial terms being less to develop staggered terms. Terms shall expire on the thirty-first day of December of the last year of their term or until their successors are appointed. Any commission member may be removed at any time without cause upon a majority vote of the town council. (as added by Ord. #93-8, § 5, June 1993)

2-505. Meetings. Commission meeting shall be held pursuant to an application. A majority of the members shall constitute a quorum, and a quorum shall be required to transact commission business. The commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact. Copies of these minutes shall be transmitted to the town council. The commission, by majority vote, may adopt rules governing its procedures. (as added by Ord. #93-8, § 6, June 1993)

2-506. Development subject to design review commission review.

(1) Plans shall be submitted to the design review commission for all development requiring building permits for:

(a) New construction, change in exterior appearance, exterior alteration, moving a structure, demolition or change in use for either land, buildings or buildings and land of all categories of construction except single-family residential detached structures.

(b) Planned unit developments.

(2) Plans shall be submitted to the design review commission, where a building permit is not required, for the following:

(a) For re-roofing if there is a color change in the roofing.

(b) For exterior painting, if there is a color change.

(c) For landscaping if there is a change of more than twenty-five percent (25%) in the area currently landscaped.

(d) For new or repaired driveways, or parking lots, if there is new paving in an area of more than twenty-five percent (25%) of the area currently paved.

Work shall not begin in the above mentioned items (a) through (d) until the design review commission review and approval of the plans is made.

¹Ord. #95-2, in § 1 states "That Title Two (2) Chapter Five (5) Section Four (4) of the Town of Signal Mountain Code of Ordinances be changed to read as follows:" However, it is clearly the intent of the ordinance to amend this section, section 2-503, entitled Membership.

In no case shall a building permit be issued prior to design review commission review and approval of these plans. For categories of development for which planning commission review is also required, applicants shall, at the time of submission of plans to the design review commission, also submit to the planning commission such plans, plats or sketches as may be required by law. Plans subject to approval both by the planning commission and by the design review commission shall ordinarily be reviewed first by the planning commission with the exception of planned unit development final plans, which shall first be reviewed by the design review commission; provided, however, that the planning commission, at its option, may secure the preliminary views of the design review commission prior to rendering its approval of plans. (as added by Ord. #93-8, § 7, June 1993, as amended by Ord. #99-9, April 1999)

2-507. Plan submissions. (1) Plan submissions shall be in a form approved by the commission.

(2) Should the commission, either on its own motion or in response to a recommendation from the building official or town manager, determine that an application is incomplete, it shall notify the applicant of such additional materials as it may require to review the application. The commission shall certify the date, on which an application, whether in original form or as supplemented, is complete. Unless the commission agrees, no additional supplemental material may be submitted by the applicant after the certification date other than such modifications in the original or supplemental plans as the commission may request in the course of its consideration of these plans. Modified plans and additional supplemental materials shall be submitted to the building official for review and subsequent transmission to the commission.

(3) The commission shall approve, approve with conditions, or disapprove plans submitted to it within sixty (60) days of their receipt in a form specified by the commission, or within such longer period as the commission and applicant may agree. The commission shall set forth its decision and the reasons therefore in writing. In cases of conditional approval or disapproval, the commission shall include in its report comments advising the applicant of the right of appeal provided in the appeal section below, and informing the applicant, the building official, the town manager, and the town council how the conditionally approved or disapproved plans might be modified to secure their conformity with this division. (as added by Ord. #93-8, § 8, June 1993)

2-508. Standards. Standards governing commission review of applicants' development plans shall be those set forth in the pertinent manual created-recommended by the commission and approved by the town council. (as added by Ord. #93-8, § 9, June 1993)

2-509. Building applications--issuance of permit. If the design commission transmits the application to the building official with approval, the

building inspector may issue the permit. If the design commission returns the application with its disapproval and recommendations, the Building official shall refuse to issue a building permit until such time as appropriate changes have been made and resubmitted in such form that meets the approval of the commission. If, in the opinion of the chairman of the design commission, the resubmittal clearly meets the design standards and recommendations of the design commission, he may approve the application for the commission without further delay. (as added by Ord. #93-8, § 10, June 1993)

2-510. Appeals. Applicants whose plans are conditionally approved or are disapproved by the commission may appeal the commission's action to the town council at a regular meeting of the council not more than sixty (60) days after the date of the commission's action. The town council, after hearing all parties who desire to be heard, shall approve, approve with conditions, or disapprove the application by a written statement setting forth its reasons for its action. If the town council approves or conditionally approves the application, the building official may issue the building permit forthwith provided that the applicant has complied with the terms of the approval or conditional approval; with other provisions of this section, and with all other codes, ordinances, regulations and procedures regarding building permits. (as added by Ord. #93-8, § 11, June 1993)

2-511. Project development contract. A project development contract, incorporating, among other elements, any conditions or requirements imposed on the applicant pursuant to this chapter, must be executed by and between the commission and the applicant or, when appealed and approved, between the council and the applicant before a building permit can be issued for any development outlining the requirements in writing, in addition to any drawings or sketches. (as added by Ord. #93-8, § 12, June 1993)

TITLE 3

MUNICIPAL COURT

CHAPTER

1. MUNICIPAL COURT.

CHAPTER 1

MUNICIPAL COURT¹

SECTION

3-101. Bond.

3-102. Judge pro tem.

3-103. Maintenance of docket.

3-104. Issuance of arrest warrants.

3-105. Issuance of summons.

3-106. Issuance of subpoenas.

3-107. Trial and disposition of cases.

3-108. Appeals.

3-109. Appearance bonds.

3-110. Bill of costs.

3-111. Manner of imposing and recording fines and costs.

3-112. Disposition of fines, penalties and costs.

3-113. Disturbance of proceedings.

3-101. Bond. Before assuming his duties, the town judge shall execute a bond in a responsible bonding company in the amount of one thousand dollars (\$1,000.00) conditioned to faithfully account for all funds coming into his hands as such judge. This bond shall be paid for by the Town of Signal Mountain. (1985 Code, § 1-305)

3-102. Judge pro tem. Should the town judge be absent or unable to attend court or disqualify himself from hearing a particular case, he may choose a judge pro-tem to sit in his place and stead. This judge pro-tem shall have all the qualifications required of the judge of the town court and shall preside and adjudicate and have all the powers and be liable to all of the responsibilities of a regular judge. Before serving, the judge pro-tem shall take the oath prescribed for the regular judge. In the event the town judge is absent or disabled so that he cannot pick a judge pro-tem then the Signal Mountain Town Council shall

¹See Article XI, "Town Court", of the charter for duties and powers of the Town Judge, court policies and procedures, etc.

appoint a town judge pro-tem to serve until the regular judge returns. (Ord. # 87-10, Oct. 1988, modified)

3-103. Maintenance of docket. The town judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name, warrant and/or summons numbers, alleged offense, disposition, fines and cost imposed and whether collected for or committed to workhouse and all other information that may be relevant. (1985 Code, § 1-308)

3-104. Issuance of arrest warrants.¹ Only the town judge shall have the power to issue warrants for the arrest of persons charged with violating town ordinances. He may also issue warrants for the arrest of persons charged with violating the laws of the state. (1985 Code, § 1-309)

3-105. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may, in his discretion in lieu of issuing an arrest warrant, issue a summons ordering the alleged defendant to personally appear before the town 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 court as commanded in a summons lawfully served upon 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. (1985 Code, § 1-310)

3-106. Issuance of subpoenas. The town 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. (1985 Code, § 1-311)

3-107. Trial and disposition of cases. Every person charged with violating a town ordinance shall be entitled to an immediate trial and disposition of his case, provided the town court is in session or the town 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. (1985 Code, § 1-312)

¹See Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

3-108. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1985 Code, § 1-313)

3-109. Appearance bonds. (1) When the town 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 town 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.

(2) An appearance bond in any case before the town court shall be in such amount as the town judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the town 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 criminal 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 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. (1985 Code, § 1-314)

3-110. Bill of costs. The schedule of costs shall be as established from time to time by the town council, and is available in the town hall. (1985 Code, § 1-315)

3-111. Manner of imposing and recording fines and costs. All fines and costs shall be imposed and recorded by the town judge on the town court docket in open court. After any fine and costs have been so imposed and recorded, the judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error. (1985 Code, § 1-316)

3-112. Disposition of fines, penalties and costs. All funds coming into the hands of the town judge in the form of fines, costs and forfeitures shall be recorded by him and paid over daily to the town. (1985 Code, § 1-317)

3-113. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial, or other proceedings, before the town court by make loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever. (1985 Code, § 1-318)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
2. SOCIAL SECURITY--TOWN PERSONNEL.
3. INFECTIOUS DISEASE CONTROL POLICY.
4. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-101. Title.
- 4-102. Establishment and implementation.
- 4-103. Standards.
- 4-104. Effective date of plan.

4-101. Title. This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the Town of Signal Mountain." (1985 Code, § 1-901)

4-102. Establishment and implementation. Upon the designation of a program director by the town, such director shall establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972, and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards. (1985 Code, § 1-902)

4-103. Standards. This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

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

¹See Article VIII, "Administration," of the charter for authority to adopt personnel rules.

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

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

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

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

(6) The director or his authorized representative shall, upon any allegation of imminent danger, immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit.

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

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

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

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

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

(12) The director shall apply this program to employees of each administrative department, commission, board, division or other agency of the Town of Signal Mountain.

(13) The director shall make an annual report to the commissioner of labor for the State of Tennessee showing the accomplishments and progress of the Town of Signal Mountain in its occupational safety and health program.

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

thereon shall be noted on said reports and signed by the director or his designees.

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

(16) The director shall submit said plan to the Tennessee Department of Labor for approval on or before July, 1973. (1985 Code, § 1-903)

4-104. Effective date of plan. Said plan upon its approval by the Tennessee Department of Labor shall become effective to the Town of Signal Mountain and at that time shall become a part of this chapter as fully and completely as if set out herein. (1985 Code, § 1-904)

CHAPTER 2

SOCIAL SECURITY

SECTION

- 4-201. Policy and purpose as to coverage.
- 4-202. Necessary agreements to be executed.
- 4-203. Withholdings from salaries or wages.
- 4-204. Appropriations for employer's contributions.
- 4-205. Records and reports.
- 4-206. Persons excluded from coverage.

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the town to provide for all eligible employees and officials of the town, not excluded by law or this chapter, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1985 Code, § 1-801)

4-202. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in this chapter. (1985 Code, § 1-802)

4-203. 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. (1985 Code, § 1-803)

4-204. 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. (1985 Code, § 1-804)

4-205. Records and reports. The comptroller shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1985 Code, § 1-805)

4-206. Persons excluded from coverage. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official, compensation for which is on a fee basis or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1985 Code, § 1-806)

CHAPTER 3

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-301. General information.
- 4-302. General policies and procedures.
- 4-303. Vaccinations, testing and post-exposure management.
- 4-304. Training.
- 4-305. Records and reports.
- 4-306. Legal rights of victims of communicable diseases.

4-301. General information. (1) Purpose. It is the responsibility of the Town of Signal Mountain to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Signal Mountain, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

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

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

- (a) Paramedics and emergency medical technicians;
- (b) Occupational nurses;
- (c) Housekeeping and laundry workers;
- (d) Police and security personnel;
- (e) Firefighters;
- (f) Sanitation and landfill workers; and
- (g) Any other employee deemed to be at high risk per this policy

and an exposure determination.

(3) Administration. This infection control policy shall be administered by the town manager or his/her designated representative who shall have the following duties and responsibility:

- (a) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this

chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;

(b) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;

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

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

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

(f) Prepare and recommend to the town council any amendments or changes to the infection control policy;

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

(h) Perform such other duties and exercise such other authority as may be prescribed by the town council.

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

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

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

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

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

(f) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (as added by ord. No. 92-8)

4-302. General policies and procedures. (1) Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

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

(2) General guidelines. General guidelines which shall be used by everyone include:

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

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

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

(d) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

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

(1) While handling an individual where exposure is possible;

(2) While cleaning or handling contaminated items or equipment;

(3) While cleaning up an area that has been contaminated with one of the above;

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

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

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

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

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

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

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

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

All required tags shall meet the following criteria:

(1) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the

biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

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

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

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

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

(n) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (as added by ord. No. 92-8)

4-307. Vaccinations, testing and post-exposure management.

(1) Hepatitis B vaccinations. The Town of Signal Mountain shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the infectious disease control coordinator.

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

(a) Notify the infectious disease control coordinator of the contact incident and details thereof.

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

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

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

pretest counseling is available. Post-test counseling and referral for treatment should also be provided.

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

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

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

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

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

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

(5) Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (as added by ord. No. 92-8)

4-304. Training (1) Regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

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

(3) New employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (as added by ord. No. 92-8)

4-305. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

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

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

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (as added by ord. No. 92-8)

4-306. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

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

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

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

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

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

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this

policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (as added by ord. No. 92-8)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

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

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

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (as added by Ord. #93-10, § 1, July 1993)

4-402. Enforcement. The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (as added by Ord. #93-10, § 2, July 1993)

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

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

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

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

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

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

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

- directly related to the conduct of the town business for which travel was authorized, and
- actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (as added by Ord. #93-10, § 3, July 1993)

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

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (as added by Ord. #93-10, § 4, July 1993)

4-405. Administrative procedures. The town adopts and incorporates by reference - as if fully set out herein the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the town manager. (as added by Ord. #93-10, § 4, July 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. FISCAL YEAR, AUDITS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. PURCHASING.

CHAPTER 1

FISCAL YEAR, AUDITS

SECTION

- 5-101. Fiscal year.
5-102. Audits and auditors.

5-101. Fiscal year. The fiscal year for the town shall be from the first day of July to the next following last day of June. (1985 Code, § 6-101)

5-102. Audits and auditors. The Town of Signal Mountain shall not employ any auditor or any firm to conduct audits for a period of more than four years at a time. The selection or reaffirmation shall be discussed at the January town meeting and voted on at the February town meeting. Selection of the auditor shall be at the mid-term of the town council term of office. The auditor for the town shall be rotated among various certified public accountants who reside within the town limits. If for any reason the four year contract is broken then adjustment will be made to coincide with mid-term selection of auditor as stated above. (1985 Code, § 6-102)

CHAPTER 2

REAL PROPERTY TAXES¹

SECTION

5-201. When due and payable.

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

5-201. When due and payable. Taxes levied by the town against real property shall become due and payable annually on the first business day of October of the year for which levied. (1985 Code, § 6-201)

5-202. When delinquent--penalty and interest. All real property taxes shall become delinquent on and after the first business 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. (1985 Code, § 6-202)

¹See also, Article X, "Taxation", of the charter for authority to collect delinquent taxes.

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. (1) Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (title 67, chapter 4, part 7, Tennessee Code Annotated) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the said act.

(2) The proceeds of the privilege taxes levied by the section shall be deposited to the general fund and apportioned to any funds within the town budget according to the discretion of the town council. (1985 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's payment of the appropriate privilege tax. (1985 Code, § 6-302)

CHAPTER 4

PURCHASING

SECTION

- 5-401. Purchases from \$0 through \$999.99.
- 5-402. Purchases of \$1,000.00 through \$2,499.99.
- 5-403. Purchases of \$2,500.00 through \$3,499.99.
- 5-404. Purchases of \$3,500.00 through \$4,999.99.
- 5-405. Purchases of \$5,000 through \$9,999.99.
- 5-406. Purchases of \$10,000 or greater.
- 5-407. Advertising and bidding--exceptions.

5-401. Purchases from \$0 through \$999.99. All purchases from \$0 to \$999.99 must be approved by the department head of the town department making the purchase. No type of quote or bid process shall be required. (1985 Code, § 1-201, as replaced by Ord. #91-9, and Ord. #2000-7, June 2000)

5-402. Purchases of \$1,000.00 through \$2,499.99 . Purchases of \$1,000.00 through \$2,499.99 must be approved by the town manager, or, in his absence, the town recorder. No type of quote or bid process shall be required. (1985 Code, § 1-202, as replaced by Ord. #91-9, and Ord. #2000-7, June 2000)

5-403. Purchases of \$2,500.00 through \$3,499.99. All purchases of \$2,500.00 through \$3,499.99 must be approved by the town manager, or, in his absence, the town recorder. All such purchases shall be made only after obtaining a minimum of three telephone quotes about the purchase which quotes shall be reduced to writing and attached to the order. (1985 Code, § 1-203, as replaced by Ord. #91-9, and Ord. #2000-7, June 2000)

5-404. Purchases of \$3,500.00 through \$4,999.99. All purchases of \$3,500.00 through \$4,999.99 must be approved by the town manager, or, in his absence, the town recorder. All such purchases shall be made only after obtaining sealed bids. (1985 Code, § 1-204, as replaced by Ord. #91-9, and Ord. #2000-7, June 2000)

5-405. Purchases of \$5,000 through \$9,999.99. All purchases of \$5,000.00 through \$9,999.99 must be approved by the town manager, or, in his absence, by the town recorder. All such purchases shall be made only after obtaining sealed bids and giving a written memo to the Council of the Town of Signal Mountain, Tennessee and advising of all bids. (as added by Ord. #2000-7, June 2000)

5-406. Purchases of \$10,000 or greater. Purchases of \$10,000.00 or greater shall be approved by a majority vote of the Council of the Town of Signal Mountain, Tennessee, after obtaining sealed bids by advertising in a newspaper of general circulation within Hamilton County, Tennessee, and posting notices on the town bulletin board. (as added by Ord. #2000-7, June 2000)

5-407. Advertising and bidding--exceptions. Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of three thousand five hundred dollars (\$3,500.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Law of 1983. (as added by Ord. #2000-13, June 2000)

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. POLICE DEPARTMENT.

CHAPTER 1

POLICE DEPARTMENT

SECTION

6-101. Policemen subject to chief's orders.

6-102. Policemen to preserve law and order, etc.

6-103. Police department records.

6-101. 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.

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

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals, convoys, fire calls answered, and other miscellaneous activities of the police department.

(4) Any other records required to be kept by the town council or by law.

The police chief shall be responsible for insuring that the police department complies with the section.

¹Municipal code reference

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

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. FIRE CODE.
2. OPEN BURNING.
3. LIFE SAFETY CODE.

CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire code adopted.
- 7-102. Enforcement.
- 7-103. Appeals from the application of the fire prevention code.
- 7-104. Committee to determine new materials and processes.
- 7-105. Violations.
- 7-106. Handling of explosives.
- 7-107. Restricted use of fireworks.

7-101. Fire code adopted. Section 7-101(a) National Fire Prevention Code Adopted. There is hereby adopted by the town council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the National Fire Prevention Code 1988 Edition,¹ and all future yearly additions as prepared and adopted by the National Fire Protection Association, Incorporated, it is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the Fire Prevention Code. (Ord. # 88-8, May 1988)

7-102. Enforcement. The fire prevention code of the town adopted in section 7-101 above shall be enforced by the chief of the fire department. (1985 Code, § 7-102)

7-103. Appeals from the application of the fire prevention code. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the fire prevention code adopted in this chapter do not apply or that the true

¹Copies of this code and any amendments may be obtained from the National Fire Protection Association, Inc., Batterymarch Road, Quincy, MA 02269.

intent and meaning of the fire prevention code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the town council within thirty (30) days from the date of the decision appealed. (1985 Code, § 7-103)

7-104. Committee to determine new materials and processes. The mayor, the fire and police commissioner, and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits in addition to those now enumerated in the fire prevention code adopted in this chapter. (1985 Code, § 7-104)

7-105. Violations. (1) Any person who shall violate any of the provisions of the fire prevention code adopted in this chapter or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or 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 town council or by a court of competent jurisdiction within the time therefor, shall severally for each and every such violation and noncompliance respectively be guilty of an offense punishable according to the general penalty provisions of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy the violation or defects within a reasonable time and, when not otherwise specified, each ten (10) days that prohibitive conditions are maintained shall constitute a separate offense.

(2) The application of the penalty prescribed by subsection (1) above shall not be held to prevent the enforced removal of prohibited conditions. (1985 Code, § 7-105)

7-106. Handling of explosives. (1) The fire chief shall require any person handling and using explosives to have an explosive certificate and furnish the town a copy of an adequate liability insurance policy in the amount of five hundred thousand dollars (\$500,000.00) for bodily injury and two hundred fifty thousand dollars (\$250,000.00) for property damage.

(2) All of the provisions of Section 1902.5 of the Standard Fire Prevention Code of 1985 concerning use and handling of explosives must be complied with. The town building inspector shall require evidence of such liability policy in compliance with provision of section 1902.5 prior to permitting any blasting on building sites. Further the town administrator shall require evidence of such approval prior to any blasting by developers, contractors or other persons within streets and other public right-of-ways. (Ord. # 86-7, Dec. 1986, modified)

7-107. Restricted use of fireworks. It shall be unlawful for any person to possess, store, offer for sale, sell at retail, or use, or explode any fireworks, except that the public safety director, or his/her designee may permit the use of fireworks for public or private displays when all of the provisions of NFPA 1123 are met and after all necessary permits have been issued. Every such use or display shall be handled by a competent operator approved by the public safety director or his/her designee and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person. (as added by Ord. #95-11, § 1, Nov. 1995)

CHAPTER 2

OPEN BURNING¹

SECTION

- 7-201. Declaration of policy.
- 7-202. Definitions.
- 7-203. Prohibition on open burning.
- 7-204. Salvage burning.
- 7-205. Leaf burning.
- 7-206. Exceptions to prohibition on open burning.
- 7-207. Violations and penalty.

7-201. Declaration of policy. It is hereby declared to be the public policy of this town and the purpose of this chapter to achieve and maintain such levels of air quality as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life and property, and foster the comfort and convenience of the people. (1985 Code, § 7-201, as replaced by Ord. #95-12, § 1, Nov. 1995)

7-202. Definitions. "Bureau:" The Chattanooga-Hamilton County Air Pollution Control Bureau.

"Controlled burning:" Open burning conducted in such manner or with the aid of such special equipment that emissions are reduced.

"Director:" The director of the bureau.

"Open burning:" Unconfined burning of combustible material where no equipment has been provided and used for control of air.

"Person:" Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"Salvage operation:" Any operation conducted in whole or in part for the salvage or reclaiming of any product or material. (1985 Code, § 7-202, as replaced by Ord. #95-12, § 1, Nov. 1995)

7-203. Prohibition on open burning. No person shall cause, suffer, allow or permit open burning except as provided hereinafter. No person shall fail or refuse to take all reasonable and necessary steps and precautions to prevent open burning upon any premises owned, occupied or under the control of such

¹See section 11-903 for a provision prohibiting the starting of fires endangering woodlands within the town.

person. No person shall fail or refuse to take all reasonable and necessary steps and precautions to extinguish or other wise terminate and abate any open burning which has originated through any cause whatsoever upon any premises owned, occupied or under the control of such person or upon premises upon which such person is carrying out any operation or activity. (1985 Code, § 7-203, as replaced by Ord. #95-12, § 1, Nov. 1995)

7-204. Salvage burning. No person shall conduct a salvage operation by open burning. (1985 Code, § 7-204, as replaced by Ord. #95-12, § 1, Nov. 1995)

7-205. Leaf burning. No person shall burn leaves. (as added by Ord. #95-12, § 1, Nov. 1995)

7-206. Exceptions to prohibition on open burning. (1) Open burning of vegetation and wood materials may be permitted by the director provided the following conditions are met:

(a) An application shall be submitted to the director giving the reasons why no other method of disposal can be employed, amount of material to be burned and location of material to be burned.

(b) No burning shall occur until such inspection of the material as may be required by the bureau is conducted.

(c) Burning shall be conducted only on days of low pollution potential, as determined by the bureau, and only between the hours of 9:00 a.m. and 4:00 p.m. on such days.

(d) Only clean fuel not containing garbage, rubber, plastics, roofing materials, tar paper or other refuse shall be allowed for the startup of fires.

(e) Written approval is received from the director.

(2) Controlled burning of vegetation and wood materials may be permitted by the director provided the following conditions are met:

(a) A signed application shall be submitted to the director including the following:

(i) Complete plans and details of the method and equipment to be used for the control of such burning;

(ii) Name of the person in charge of the equipment and how he may be contacted.

(b) An annual fee of two hundred dollars (\$200.00) shall be included with the application, which fee shall be collected by the bureau and remitted to the town manager. Controlled burning permits are renewable annually. Application for renewal of a controlled burning permit shall be made in writing not less than sixty (60) days prior to the expiration of the permit for which renewal is sought.

(c) Written approval is received from the director.

(3) Open burning shall be allowed without compliance with the above only in the following specifically listed instances:

(a) Fires used for cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor fireplaces, but only if such fires are fueled for that particular purpose.

(b) Fires set by or at the direction of responsible fire control agencies for the prevention, elimination or reduction of the spread of existing fires.

(c) Safety flares and smokeless flares, except those for the combustion of waste gases. Flares for the combustion of waste gases shall comply with all safety requirements.

(d) Open burning used solely for the purpose of warming persons who are in the out-of-doors performing work and conducting lawful activities, provided such fires use only clean fuel not containing garbage, rubber, plastics, roofing materials, tar paper or other refuse.

(4) Open burning may be permitted in the following instances, provided a written statement, such as is required above is filed with the director and written approval is given by the director.

(a) Fires set for the training and instruction of public or private fire fighting personnel, including those in civil defense.

(b) Other open burning where there is no other practical, safe and lawful method of disposal. (as added by Ord. #95-12, § 1, Nov. 1995)

7-207. Violations and penalty. The violation of any provision of this chapter shall be punished in accordance with the general penalty provision of this code of ordinances. Each violation continuing beyond three (3) hours shall constitute a separate offense. (as added by Ord. #95-12, § 1, Nov. 1995)

CHAPTER 3

LIFE SAFETY CODE

SECTION

7-301. Life safety code adopted.

7-302. Fees.

7-303. Violations and penalties.

7-301. Life safety code adopted. There is hereby adopted by the town council for the purpose of prescribing regulations governing conditions hazardous to life and property by regulating certain hazardous conditions by a certain code known as the Life Safety Code, 1985 Edition. All of the requirements of this code shall apply within the corporate limits and it shall be known as the "Life Safety Code, 1985 Edition" and all future yearly additions as prepared and adopted by the National Fire Protection Association, Incorporated which is hereby incorporated by reference and made a part of the chapter as if fully set forth herein.

One (1) copy of the Life Safety Code shall be kept on file in the town hall for the use and inspection of the public. (Ord. # 88-3, May 1988)

7-302. Fees. The fee schedule shall be set by the town council from time to time and shall be available in public form at the town hall and shall be set so as to cover the costs of the Life Safety Code operation. (Ord. # 88-3, May 1988)

7-303. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the Life Safety Code shall be guilty of a misdemeanor and upon conviction thereon shall be fined under the General Penalty Clause for this code of ordinances or the license of such person may be revoked or both fine and revocation of license may be imposed. (Ord. # 88-3, May 1988)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Scope of chapter.
- 8-102. Definitions adopted.
- 8-103. Compliance with state law and this chapter required.
- 8-104. Certificate of moral character.
- 8-105. Municipal inspection fee.
- 8-106. Location of wholesale and retail stores restricted.
- 8-107. Maximum number of wholesale and retail licenses.
- 8-108. Brown bagging and corkage, generally.
- 8-109. Definitions.
- 8-110. Beer board and town police to enforce article.
- 8-111. Hours regulated.
- 8-112. Sales to incapacitated or incompetent persons prohibited.
- 8-113. Employment of minors.
- 8-114. Immoral acts prohibited at premises.
- 8-115. Telephone and reports of disorders.
- 8-116.--8-127. Reserved.
- 8-128. Permit; required.
- 8-129. Application; fee.
- 8-130. Location to be designated.
- 8-131. Grounds for refusal.
- 8-132. When town council may issue.
- 8-133. To be posted.
- 8-134. Not transferable.
- 8-135. Grounds for revocation or suspension.
- 8-136. Authority of the town to levy and collect privilege taxes from all individuals engaged in the business of selling alcoholic beverages for consumption on the premises.

¹For provisions prohibiting possession of alcoholic beverages on town property see section 10-201 in this code.

For general provisions in the state law, see Tennessee Code Annotated, title 57, particularly chapter 3.

8-101. Scope of chapter. The provisions of this chapter shall apply to all alcoholic beverages as defined by Tennessee Code Annotated, section 57-3-101. (1985 Code, § 2-101)

8-102. Definitions adopted. All of the definitions and provisions of Tennessee Code Annotated, section 57-3-101 are adopted for the interpretation of this chapter and are made applicable to the sale and regulation of alcoholic beverages within the town. (1985 Code, § 2-102)

8-103. Compliance with state law and this chapter required. It shall be unlawful to manufacture, store, transport, sell, possess, distribute or receive alcoholic beverages in this town except in compliance with the provisions of the state law and this chapter. (1985 Code, § 2-103)

8-104. Certificate of moral character. A certificate of moral character as required by Tennessee Code Annotated, section 57-3-208 as a prerequisite to the issuance of a state alcoholic beverage license shall not be signed by the mayor or any member of the town council before the following conditions are met.

(1) An application for a certificate of moral character shall be filed in writing with the town council on a form provided by the town, giving the following information:

- (a) The name, age and address of the applicant.
- (b) The number of years' residence in the town.
- (c) The applicant's occupation or business and the length of time engaged in that occupation or business.
- (d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of any municipal ordinance within the past ten (10) years.
- (e) If the applicant is employed, the name and address of his employer.
- (f) If the applicant is in business, the kind of business and location thereof.
- (g) The location of the proposed store for the sale of alcoholic beverages.
- (h) The name and address of the owner of the proposed store.
- (i) If the applicant is a partnership, the name, age and address of each partner and his occupation, business and employer.

(2) The application required by paragraph (1) shall be verified by the oath of each applicant and, in the event the applicant is a partnership, shall be verified by the oath of each partner.

(3) The applicant for a certificate under this section shall agree to comply with the state and federal laws and the provisions of this code and other

ordinances of the town and the rules and regulations of the Alcoholic Beverage Commission of the state with reference to the sale of alcoholic beverages.

(4) An applicant for a certificate pursuant to paragraph (1) may be required to appear in person before the town council for such examination as may be desired by the town council. He shall furnish such information as may be required pursuant to Tennessee Code Annotated, section 57-3-208.

(5) The action of the town council on an application for a certificate of moral character shall be noted thereon.

(6) The applicant for a certificate of moral character shall have been a bona fide resident of the county and the town for not less than two (2) years at the time his application is filed. (1985 Code, § 2-104)

8-105. Municipal inspection fee. Each retail dealer subject to this chapter shall pay the maximum inspection fee authorized by Tennessee Code Annotated, sections 57-3-501 through 57-3-504. (1985 Code, § 2-105)

8-106. Location of wholesale and retail stores restricted.¹ (1) No wholesale or retail store shall be located anywhere on premises in the town except on the ground floor thereof. Each such store shall have only one (1) main entrance; however, when a wholesale store is located on the corner of two (2) streets, the store may maintain a door opening on each street and any sales room adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. Wholesale stores located on a railroad spur track may receive deliveries from railroad cars through back doors adjacent to the track.

(2) The location of any wholesale or retail store shall conform to any zoning regulations in force.

(3) No wholesale or retail store shall be located other than in the zoning districts permitted by section 8-106(2), or within five hundred (500) feet of a church or school. (1985 Code, § 2-106)

8-107. Maximum number of wholesale and retail licenses. The number of retail licenses issued and outstanding at any one time shall be four (4), and the number of wholesale licenses so issued shall be no more than one (1). In considering applicants for wholesale licenses, preference shall be given to bona fide residents of the county. (1985 Code, § 2-108, as renumbered by Ord. #2001-5, Oct. 2001)

8-108. Brown bagging and corkage, generally. The provisions of this article shall apply to all persons who operate an establishment selling setups for

¹See the Signal Mountain Zoning Ordinance, for permitted and prohibited uses within various zoning classifications within the town.

mixed drinks or provide corkage setups for wine, and who permit brown bagging in their establishment. It shall not apply to those persons or businesses licensed or permitted under the provisions of article II of this chapter or having a permit for the sale of alcoholic beverages for consumption on the premises issued by the alcoholic beverage commission of the state under the provisions of Tennessee Code Annotated, § 57-4-201. (as added by Ord. #2001-5, Oct. 2001)

8-109. Definitions. As used in this article, the following definitions shall apply:

(1) "Brown bad" or "brown bagging" shall mean the practice of patrons, customers or guests bringing alcoholic beverages upon their premises or any person selling setups for mixed drinks or providing corkage services for wine.

(2) "Corkage" shall mean the practice of providing patrons, customers, or guests with opening devices and glasses in connection with the consumption of wine.

(3) "Person selling setups for mixed drinks" shall mean and include any person deriving receipts from the sale of setups for mixed drinks consumed on the premises.

(4) "Setups for mixed drinks" shall mean and include sales of water, soft drinks, fruit juices, or any item capable of being used to prepare a mixed drink at such establishment. (as added by Ord. #2001-5, Oct. 2001)

8-110. Beer board and town police to enforce article. (1) The town council which constitutes the Beer Board for the Town of Signal Mountain shall issue permits, and revoke or suspend licenses, except where such action would be inconsistent with any specific provision of this article.

(a) The police officers of the Town of Signal Mountain shall enforce all laws, ordinances and rules regulating establishments selling setups for mixed drinks, wine consumption, or permitting brown bagging. (as added by Ord. #2001-5, Oct. 2001)

8-111. Hours regulated. No permittee under this article shall sell any setup for purposes of mixing with alcoholic beverages, provide corkage services, or permit any alcoholic beverages to be consumed on the premises between the hours of 11:00 P.M. and 10:30 A.M. on any day of the week. The permittee shall not permit or suffer the presence of any alcoholic beverages on the premises during such hours. (as added by Ord. #2001-5, Oct. 2001)

8-112. Sales to incapacitated or incompetent persons prohibited. No permittee under this article shall permit or allow any intoxicated person to be on the premises or to dispense, serve, sell setups or provide corkage to such persons. (as added by Ord. #2001-5, Oct. 2001)

8-113. Employment of minors. No person under the age of eighteen (18) years shall be permitted to dispense, serve, sell setups, or provide corkage in any establishment which has been issued a permit under this article. (as added by Ord. #2001-5, Oct. 2001)

8-114. Immoral acts prohibited at premises. It shall be unlawful for any person to appear or be on the premises of a permittee under this article so costumed or dressed that one (1) or both breasts are wholly or substantially exposed to public view, and it shall be unlawful for any permittee to permit or allow any such person to appear or be in or on the premises. Further, it shall be unlawful to perform, or for the permittee to allow to be performed, on the premises any of the following acts or kinds of conduct:

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

(2) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;

(3) The actual or simulated displaying of the pubic hair, anus, vulva or genitals;

(4) The permitting by a permittee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus; or

(5) The displaying of films or pictures depicting acts, a live performance of which is prohibited by the sections quoted above. (as added by Ord. #2001-5, Oct. 2001)

8-115. Telephone and reports of disorders. All permittees are required to maintain a telephone in good working order on the premises and to report all fights and other public disorders occurring on such premises immediately, whether or not participants in any such disorder have left the premises. (as added by Ord. #2001-5, Oct. 2001)

8-116.--8-127. Reserved. (as added by Ord. #2001-5, Oct. 2001)

8-128. Permit; required. No person shall engage in the business of operating establishments selling setups for mixed drinks, providing corkage services, or permit brown bagging on any premises without having been issued a permit therefor. Such permit shall be obtained upon application and payment of fees as hereinafter provided. A duly issued permit shall allow such establishments to permit its patrons, customers, or guests to bring alcoholic beverages upon its premises for purposes of personal consumption or to otherwise permit brown bagging. (as added by Ord. #2001-5, Oct. 2001)

8-129. Application fee. (1) All applications for a permit to sell setups for mixed drinks or to permit brown bagging shall be filed with the town council. The police department shall make an investigation of the applicant and determine whether or not the location meets all the requirements of this article, and report all findings to the town council. The town council shall make such other and further investigation it deems advisable and shall issue or deny a permit in its discretion.

(2) The application shall be accompanied by a fee one hundred dollars (\$100.00) for use in offsetting the expense of investigating the applicant and an annual renewal fee of fifty dollars (\$50.00) every year thereafter to be paid on or before January 1 of each year. (as added by Ord. #2001-5, Oct. 2001)

8-130. Location to be designated. The location of the premises at which the business of the permittee will be conducted shall be designated in the permit and in the application therefor. (as added by Ord. #2001-5, Oct. 2001)

8-131. Grounds for refusal. (1) No permit shall be issued where the operation of the business conducted thereunder may cause congestion of traffic, interfere with schools, churches, parks or other places of public assembly, or otherwise interfere with the public health, safety and morals, or where this article or any other law would be violated, including, but not limited to, the zoning laws. No permit shall be issued to any person or premises wherein a permit to sell beer or other alcoholic beverages or a permit under this article has been revoked within three (3) years or is under suspension.

(2) No such establishment shall be located within five hundred (500) feet, as measured from any doorway entrance of the applicant regularly used for public ingress and egress to the nearest doorway entrance to the school, church, or other place of public gathering to the nearest corner of the licensed establishment.

(3) All applicants for a permit shall be required in their application to list and identify all schools, churches, or other places of public gathering which are believed to be within the distance specified in paragraph (2) of this section.

(4) The town council may, in its discretion, require any applicant for a permit to submit as a part of his application a survey by a duly licensed surveyor when a school, church, or other place of public assembly is in close proximity to the applicant's premises; and when, because of limiting conditions such as topography, the accuracy of other methods of measurement is deemed to be inadequate and a survey is deemed reasonably necessary to establish an accurate distance relative to the applicant's entitlement to a permit under the provisions of this section.

(5) To the extent that it shall be called to the attention of the town council that it may have issued any permit to a location not qualified under the provision of this section, then it shall be the duty of the beer board, upon notice to the permittee and an opportunity for the permittee to be heard, to revoke any

permits which have been issued in violation of this section. (as added by Ord. #2001-5, Oct. 2001)

8-132. When town council may issue. The town council shall issue no permit until the application therefor has been approved following a public hearing at a regularly scheduled council meeting with reasonable public notice. (as added by Ord. #2001-5, Oct. 2001)

8-133. To be posted. Any permit issued under this article shall be posted in a conspicuous place on the premises of the permittee. (as added by Ord. #2001-5, Oct. 2001)

8-134. Not transferable. No permit issued by the town council under the provisions of this article shall be transferable from one person to another. (as added by Ord. #2001-5, Oct. 2001)

8-135. Grounds for revocation or suspension. (1) The town council shall revoke or suspend, and shall be charged with the duty of revoking or suspending, any permits issued by it, upon notice to the permittee and a hearing thereon, for any violation of any provisions of this article or any other ordinance, state law or regulation or federal law or regulation governing the operation of such establishments or when the permittee:

- (a) Operates a disorderly place; or
- (b) Allows gambling on the premises; or
- (c) Allows fighting or boisterous or disorderly conduct on the premises; or
- (d) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude; or
- (e) Allows minors to congregate about the premises after normal hours of business; or
- (f) Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business at the same location; or
- (g) Has made a false statement of a material fact in any application or notice to the board; or
- (h) Sells, furnishes, disposes of or gives, or causes to be sold, furnished, disposed of or given, any setup to any person under the age of twenty-one (21) years when it reasonably appears that such person under the age of twenty-one (21) years will use the setup for purposes of mixing a drink with any alcoholic beverages; or
- (i) Denies access to any portion of the premises wherein the use of setups for mixing alcoholic beverages is permitted, whether or not that portion of the premises issued specifically for the sale of setups; or

(j) Has been convicted by final judgment of any court of competent jurisdiction of any crime or misdemeanor involving the sale or consumption of beer or alcoholic beverages; or

(k) Allows violation of any provision of this article to occur on the licensed premises; or

(l) Allows violations of the rules and regulations of the health department; resulting in revocation or suspension of any permit issued by the health department; or

(m) Consumes or permits any employee to consume any alcoholic beverages while on the premises, or to be intoxicated while on the premises; or

(n) Allows litter or debris to accumulate in or around the premises, including the sidewalks and streets adjacent thereto; and/or fails to provide and maintain adequate solid waste containers and resolve nuisance problems in connection with such containers; or

(o) Allows any server under eighteen (18) years of age to serve any set-ups without being in full compliance with Tennessee Code Annotated, § 57-3-704.

(2) The town council may also, in its discretion, revoke a permit for due cause not specified herein. (as added by Ord. #2001-5, Oct. 2001)

8-136. Authority of the town to levy and collect privilege taxes from all individuals engaged in the business of selling alcoholic beverages for consumption on the premises. Pursuant to Tennessee Code Annotated, § 57-4-301, the General Assembly of the State of Tennessee has declared a legislative intent that every person that is exercising a taxable privilege, who engages in the business of selling at retail in the state, alcoholic beverages for consumption on the premises. Pursuant to Tennessee Code Annotated, § 57-4-301(b)(2), each municipality within which such privilege is exercised is further authorized to levy and collect the privilege tax separately. As such, the Town of Signal Mountain authorizes the town manager to levy and collect privilege taxes on behalf of the town as authorized by Tennessee Code Annotated, § 57-4-301(b)(1) for the privilege of selling alcoholic beverages for consumption on the premises within the town limits. (as added by Ord. #2003-1, Jan. 2003)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established; powers and duties.
- 8-202. Beer permit required for engaging in beer business.
- 8-203. [Deleted.]
- 8-204. Hours of sale restricted.
- 8-205. Prohibited conduct or activities by beer permit holders.
- 8-206. Revocation or suspension of beer permits.
- 8-207. Privilege tax.
- 8-208. Number of retail beer licenses.
- 8-209. Sale of beer is permitted subject to law.
- 8-210. Maximum quantity to be possessed without permit.
- 8-211. Inspectors to be appointed; powers and duties.
- 8-212. Annual privilege tax on all businesses selling beer within the Town of Signal Mountain.
- 8-213. Solicitations of home delivery service prohibited.
- 8-214. Offenses involving minors; loitering; gambling.
- 8-215. Unauthorized use or consumption of beverages on premises.
- 8-216. Sales to incapacitated or incompetent persons prohibited.
- 8-217. Use of premises not authorized by permit.
- 8-218. Employment of former violators.
- 8-219. Employment of minors.
- 8-220. Prohibited acts on premises.
- 8-221. Telephone and reports of disorders.
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- 8-223.--8-239. Reserved.
- 8-240. Permits; required generally--application.
- 8-241. Approval or rejection of application.
- 8-242. Location of premises to be designated.
- 8-243. When to be refused.
- 8-244. Applicant to pay all taxes required by state law.
- 8-245. When town council may issue.
- 8-246. To be posted.

¹For a leading case in Tennessee on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Grubb et al. v. Mayor and Aldermen of Morristown et al., 185 Tenn. 114, 203 S.W.2d 593 (1947).

For applicable tax provisions, see title 5; for miscellaneous provisions prohibiting minors in beer places and prohibiting drinking beer on streets, etc., see title 11.

- 8-247. Not transferable.
 8-248. Possession of federal license without town permit.
 8-249. Grounds for revocation or suspension.
 8-250. Employees' permits; display of permits.
 8-251.--8-254. Reserved.
 8-255. Regulation of outdoor advertising.
 8-256.--8-269. Reserved.

8-201. Beer board established; powers and duties. The town council shall comprise the beer board for the Town of Signal Mountain. The beer board shall have the power and duty to regulate the selling, storing for sale, distributing for sale and manufacturing of beer within the town in accordance with the provisions of this chapter. (1985 Code, § 2-201)

8-202. Beer permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale or manufacture beer without first making application to and obtaining from the beer board a permit. The application shall be made on such form as the board shall provide and furnish and shall be accompanied by a nonrefundable application fee of two hundred fifty dollars (\$250.00).¹

All beer permits shall be restricted as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing and it shall be unlawful for any beer permit holder to engage in any phase of the beer business not authorized in his permit. (1985 Code, § 2-202, as amended by Ord. #93-12, Aug. 1992)

8-203. [Deleted.] This section was deleted by Ord. #2001-5, Oct. 2001, § 4. (1985 Code, § 2-203, as deleted by Ord. #2001-5, Oct. 2001)

8-204. Hours of sale restricted. Beer may be sold within the corporate limits only between the hours of 7:00 A.M. and 3:00 A.M., six (6) days a week, on Sunday during the hours of midnight to 3:00 A.M., and later on Sunday from 1:00 P.M. to 3:00 A.M. on the following Monday. (1985 Code, § 2-204, as amended by ord. No. 92-1)

8-205. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

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

¹See Tennessee Code Annotated, section 57-5-108(c).

(2) Employ any person under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)

(3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(4) Make or allow any sale of beer to a person under twenty-one (21) years of age. The burden of ascertaining the age of minor customers shall be upon the owner or operator of the business.

(5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business. The burden of ascertaining the age of minor customers shall be upon the owner or operator of the business.

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

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

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

(9) Allow gambling on his premises. (1985 Code, § 2-205)

8-206. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the town council. (1985 Code, § 2-206)

8-207. Privilege tax. (1) There is hereby imposed on the business of selling beer in the Town of Signal Mountain, a privilege tax of \$100.00.

(2) Any person, firm, corporation, joint stock company, syndicate or association engaged in selling beer in the town shall remit the tax on January 1, 1994, and each successive January 1. The tax shall be remitted to the official identified by the town in the notice required by subsection three herein for businesses located within the incorporated limits of the town.

(3) The town shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice of the tax was mailed, whichever is later, then the town shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the permit shall be void.

(4) At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (as added by Ord. #93-13. Aug. 1993)

8-208. Number of retail beer licenses. The number of retail beer licenses issued and outstanding at any one time shall be three (3). (as added by Ord. #97-7, July 1997)

8-209. Sale of beer is permitted subject to law.¹ It shall be lawful to sell, store and possess beer of alcoholic content of not more than five (5) percent by weight and other beverages of like alcoholic content in the Town of Signal Mountain, subject to all regulations, limitations and restrictions provided by Chapter No. 5 of Title 57 of the Tennessee Code Annotated, as amended, and subject to the provisions of this article. (as added by Ord. #2001-5, Oct. 2001)

8-210. Maximum quantity to be possessed without permit. It shall be unlawful for any person without a permit to have in his possession or on his premises more than three (3) cases of beer or other beverages of like alcoholic content at any one time; provided that, a person or group of persons may purchase and possess more than three (3) cases to be used exclusively for nonrecurring social functions. It shall be unlawful for any retail dealer in beer or other beverages of like alcoholic content to sell or deliver to any person more than three (3) cases of such beverages on any one day. (as added by Ord. #2001-5, Oct. 2001)

8-211. Inspectors to be appointed; powers and duties. The town council shall employ inspectors and/or police officers for the purpose of enforcing the laws, ordinances and rules regulating the distribution, possession, storage or sale of beer at wholesale or retail or other beverages of like alcoholic content. These inspectors shall work under the supervision of the chief of police and aid police officers in the enforcement of such laws, ordinances, rules and regulations. Such inspectors shall have all the powers and authority of regular police officers. (as added by Ord. #2001-5, Oct. 2001)

8-212. Annual privilege tax on all businesses selling beer within the Town of Signal Mountain. There is hereby imposed on the business of selling or storing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged

¹State law reference

Authority to regulate and license sale of beer and other light alcoholic beverages, Tennessee Code Annotated, § 57-5-108.

in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 2002, and each successive January 1, to the Town of Signal Mountain, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (as added by Ord. #2001-5, Oct. 2001)

8-213. Solicitations of home delivery service prohibited. It shall be unlawful for any unlicensed holder to solicit, either in person or by telephone, the sale or delivery of beer, or to make sales or home deliveries of beer. (as added by Ord. #2001-5, Oct. 2001)

8-214. Offenses involving minors; loitering; gambling. (1) No sale of beer or other alcoholic beverages shall be made to any person under the age of twenty-one (21) years; nor, shall any person under the age of twenty-one (21) consume any alcoholic beverages; nor shall any person purchase or otherwise obtain any such beverage for any person under the age of twenty-one (21), except as set forth herein below.

(2) No permittee shall allow any person to loiter about the place of business after the hours of operation. The burden of ascertaining the age of such customer shall be upon the owner or operator of such place of business; provided, that nothing herein shall be deemed to prohibit the employment of persons age eighteen (18) years of age or over.

(3) No permittee shall allow any gambling or gambling devices on the business premises. (as added by Ord. #2001-5, Oct. 2001)

8-215. Unauthorized use or consumption of beverages on premises.

(1) No permittee under this article whose permit authorizes sale for consumption off the premises only shall sell for consumption on the premise, nor shall permittee allow any consumption to take place on the premises.

(2) No sale for consumption on the premises shall be made by any permittee except in connection with a restaurant business where lunch and dinner are regularly served. Any permittee for on-premise consumption shall have a minimum seating capacity for at least fifty (50) customers. (as added by Ord. #2001-5, Oct. 2001)

8-216. Sales to incapacitated or incompetent persons prohibited. No permittee under this article shall make or allow any sale to any intoxicated person or to any known feeble-minded, insane or otherwise mentally incapacitated person; nor allow any such person to loiter on or about the premises. (as added by Ord. #2001-5, Oct. 2001)

8-217. Use of premises not authorized by permit. No beer or other beverages of like alcoholic content shall be manufactured, stored or sold except

at the premises designated in the permit therefor. (as added by Ord. #2001-5, Oct. 2001)

8-218. Employment of former violators. No person shall be employed in the sale or storage of beer or other beverages of like alcoholic content who has been convicted within the preceding ten (10) years of any violation of the laws of the state against the sale, manufacture, possession, consumption or transportation of intoxicating liquors, or of any crime involving moral turpitude, be so employed. (as added by Ord. #2001-5, Oct. 2001)

8-219. Employment of minors. No person under the age of eighteen (18) years shall be permitted to sell or dispense alcoholic beverages, wine, or beer in the course of their employment. (as added by Ord. #2001-5, Oct. 2001)

8-220. Prohibited acts on premises. (1) No operator, entertainer, or employee of any establishment licensed under this chapter shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral and anal copulation or other contact stimulation of the genitals on the premises.

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

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

(4) No entertainer, employee, or customer shall be permitted to have any physical contact with any other entertainer, employee or customer on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest entertainer, employee and/or customer.

(5) Any display of any films or pictures depicting any live performance of acts which are prohibited by subparagraphs (1) through (4) of this section is prohibited upon the premises. (as added by Ord. #2001-5, Oct. 2001)

8-221. Telephone and reports of disorders. All permittees under this article are required to maintain a telephone in good working order on the premises and to report all fights and other public disorders occurring on such premises immediately, whether or not participants in any such disorder have left the premises. (as added by Ord. #2001-5, Oct. 2001)

8-222. Penalty. Any violation of this article shall be punishable by a civil penalty of a sum not more than five hundred (\$500.00)dollars. Violation of this

article shall constitute grounds for the revocation of the license, or for a suspension in the discretion of the town council. (as added by Ord. #2001-5, Oct. 2001)

8-223.--8-239. Reserved. (as added by Ord. #2001-5, Oct. 2001)

8-240. Permits; required generally--application. (1) No person shall engage in selling, possessing or storing beer or other beverages of like alcoholic content in the city until the business tax authorized by law has been paid and a permit issued to such person.

(2) It shall be unlawful for any person not holding a permit for the sale of beer or other beverages of like alcoholic content to sell or offer for sale beer or other beverages of like alcoholic content at any time within the city.

(3) The applicant for a permit for the sale of beer or other beverage of like alcoholic content shall pay to the Town of Signal Mountain an application fee of two hundred fifty dollars (\$250.00), imposed for the cost of investigating the location and the character of the applicant, for each location for which a beer permit is sought. Such fee shall apply to all applications for each and every classification of beer permit including any initial or first time application. This fee is nonrefundable and shall be in addition to any other fees or taxes specified herein.

(4) The application shall distinctly state:

(a) Name of the applicant;

(b) Name of applicant's business;

(c) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section;

(d) If beer will be sold at two (2) or more restaurants or other businesses within the same building pursuant to the same permit;

(e) Identity and addresses of persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a five percent (5%) ownership interest in the applicant;

(f) Identity and address of a representative to receive annual tax notices and any other communication from the county legislative body or its committee;

(g) That no person, firm, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant nor any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years;

(h) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption, or both of the foregoing; and

(i) Such other information as may be required by the Town Council of the Town of Signal Mountain. An applicant or permit holder shall be required to amend or supplement its application promptly if a change in circumstances affects the responses provided in its application. Any applicant making a false statement in the application shall forfeit the permit and shall not be eligible to receive any permit for a period of ten (10) years.

(5) The beer inspector shall give notice of all applications for permits for new premises to the town engineer and the fire chief building official and the fire marshal, so that they may make such inspections as shall be advisable to check the premises for compliance with the fire codes, building codes, and zoning ordinances.

(6) Temporary beer permits not to exceed thirty (30) days' duration may be issued at the request of an applicant on the same conditions governing permanent permits; provided, that such temporary permits shall not be issued for the sale of beer on publicly-owned property without the approval of the appropriate governmental authority charged with the management of such property. (as added by Ord. #2001-5, Oct. 2001)

8-241. Approval or rejection of application. The town council shall consider each application filed for a permit under this division, and shall grant or refuse the permit according to its best judgment, under all the facts and circumstances, and endorse its action on the application. The action of the town council in granting or refusing a permit shall be final, except as it may be subject to review at law. (as added by Ord. #2001-5, Oct. 2001)

8-242. Location of premises to be designated. The location of the premises at which the business of a permittee under this division will be conducted shall be designated in the permit and in the application therefor. (as added by Ord. #2001-5, Oct. 2001)

8-243. When to be refused. (1) No permit required by this division shall be issued where the operation of the business conducted thereunder may cause congestion of traffic, interfere with schools, churches, parks or other places of public assembly, or otherwise interfere with the public health, safety and morals, or where this article or any other law would be violated, including, but not limited to, the zoning laws.

(2) The sale of beer or other beverages of like alcoholic content for consumption on the premises within five hundred (500) feet, or two hundred (200) feet for consumption off the premises, as measured from any doorway entrance to the building of the applicant regularly used for public ingress or egress to the nearest doorway entrance to the school, church, adult-oriented establishment, or other place of public gathering regularly used for public ingress or egress shall be prohibited.

(3) All applicants for a beer permit shall be required in their application to list and identify all schools, churches, or other places of public gathering which are believed to be within the distance specified in paragraph (2).

(4) The town council may, in its discretion, require any applicant for a beer permit to submit as a part of his application a survey by a duly licensed surveyor when a school, church, or other place of public assembly is in close proximity to the applicant's premises; and when, because of limiting conditions such as topography, the accuracy of other methods of measurement is deemed to be inadequate and survey is deemed reasonably necessary to establish an accurate distance relative to the applicant's entitlement to a permit under the provisions of this section.

(5) To the extent that it shall be called to the attention of the town council that it may hereafter have issued any beer permit to a location not qualified under the provision of this section or that a nonconforming permittee within the prohibited distance provision has ceased to sell beer for more than six (6) months, then it shall be the duty of the town council, upon notice to the permittee and an opportunity for the permittee to be heard, to revoke any permits which have been issued in violation of this section.

(6) No permit required by this division shall be issued where a person, firm, corporation, joint stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years, or has had a permit under this chapter revoked within three (3) years or is currently under suspension. (as added by Ord. #2001-5, Oct. 2001)

8-244. Applicant to pay all taxes required by state law. The applicant shall submit satisfactory evidence to the town council that it has registered and paid the Department of Revenue of the state all outstanding taxes on beer sales as provided by Tennessee Code Annotated, § 57-5-201, et seq. (as added by Ord. #2001-5, Oct. 2001)

8-245. When town council may issue. The town council shall issue no permit under this division until the application therefor has been approved following a public hearing at a regularly scheduled council meeting with reasonable notice. (as added by Ord. #2001-5, Oct. 2001)

8-246. To be posted. The permit issued under this division shall be posted in a conspicuous place on the premises of the permittee. (as added by Ord. #2001-5, Oct. 2001)

8-247. Not transferable. No permit issued by the town council under the provisions of this division shall be transferred from one person to another. (as added by Ord. #2001-5, Oct. 2001)

8-248. Possession of federal license without town permit. The possession by any person of any federal license to sell alcoholic beverages without the corresponding town permit required by this division shall be prima facie evidence in all cases that the holder of such federal license is selling beer or other beverages of like alcoholic content in violation of the provisions of this article. (as added by Ord. #2001-5, Oct. 2001)

8-249. Grounds for revocation or suspension. (1) The town council shall revoke or suspend, and shall be charged with the duty of revoking or suspending, any permits issued by it under this division, upon notice to the permittee and a hearing thereon, for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages or for any violation of any provision of this code or any other ordinance of the town or when the permittee:

- (a) Operates a disorderly place; or
- (b) Allows gambling on the premises; or
- (c) Allows fighting or boisterous or disorderly conduct on the premises; or
- (d) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude; or
- (e) Allows minors to congregate about the premises after normal business hours; or
- (f) Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business at the same location; or
- (g) Has made a false statement of a material fact in any application or notice to the board; or
- (h) Sells, furnishes, dispenses or allows to be used or consumed, any beer or other alcoholic beverages to any person under the age of twenty-one (21) years; except to the extent lawful under this code; or
- (i) Denies access to any portion of the premises at which the sale of beer is permitted, whether or not that portion of the premises is used for the sale of beer, to any policeman or inspector; or
- (j) Allows any server under eighteen (18) years of age to serve beer without being in full compliance with Tennessee Code Annotated, § 57-3-704; or
- (k) Has been convicted by final judgment of any court of competent jurisdiction of any crime or misdemeanor involving the sale or consumption of beer or alcoholic beverages; or

(l) Allows any violation of any provision of this article to occur on the licensed premises; or

(m) Allows violations of the rules and regulations of the health department resulting in revocation or suspension of any permit issued by the health department; or

(n) Consumes or permits an employee to consume any beer or any alcoholic beverage while on the premises, or to be intoxicated while on the premises; or

(o) Allows litter or debris to accumulate in or around the premises, including the sidewalks and streets adjacent thereto; and or fails to provide and maintain adequate solid waste containers and resolve nuisance problems in connection with such containers; or

(p) The town council may also, in its discretion, revoke a permit for due cause not specified herein.

(2) The town council in its capacity as beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00) for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (as added by Ord. #2001-5, Oct. 2001)

8-250. Employees' permits; display of permits. All employees who dispense, serve or sell beer or other beverages of like alcoholic content for consumption on the premises of any establishment granted a permit under this article must obtain a permit to do so from the beer inspector who is authorized to fingerprint and photograph all applicants for such a permit. All such employees, upon changing their employment, shall so notify the beer inspector, in writing, within seven (7) days of leaving the employ of a permittee. All permits required by this article shall be shown, upon demand, to any law enforcement officer or beer inspector. (as added by Ord. #2001-5, Oct. 2001)

8-251--8-254. Reserved. (as added by Ord. #2001-5, Oct. 2001)

8-255. Regulation of outdoor advertising. Pursuant to Tennessee Code Annotated, § 57-5-304, outdoor advertising signs that advertise beer are regulated as follows:

(1) No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property on which a retail beer establishment is located.

(2) Any proposed outdoor sign shall be reviewed and approved by the design review commission for compliance with all existing town ordinances prior to installation. (as added by Ord. #2001-5, Oct. 2001)

8-256--8-269. Reserved. (as added by Ord. #2001-5, Oct. 2001)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. PEDDLERS, ETC.
2. SPECIAL AND LIQUIDATION SALES.

CHAPTER 1

PEDDLERS, ETC.¹

SECTION

- 9-101. Permit required.
- 9-102. Restrictions on peddlers, street barkers and solicitors.
- 9-103. Application for permit.
- 9-104. Issuance or refusal of permit.
- 9-105. Appeal.
- 9-106. Loud noises and speaking devices.
- 9-107. Use of streets.
- 9-108. Exhibition of permit.
- 9-109. Policemen to enforce.
- 9-110. Revocation or suspension of permit.
- 9-111. Reapplication.
- 9-112. Expiration and renewal of permit.

9-101. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his 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. (1985 Code, § 5-101)

9-102. Restrictions on peddlers, street barkers and solicitors. No peddlers, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions shall enter in, on, upon any premises wherein a blue circular sticker or decal, supplied by the Town of Signal Mountain, is displayed. (1985 Code, § 5-102, as amended by Ord. #98-13, May 1998)

¹For privilege tax provisions, etc., see title 5 in this code. For a provision making a peddler's failure to leave a private premises upon request a trespass see section 11-801 of this code.

9-103. Application for permit. Applicant for a permit under this chapter must pay the town manager a fee of twenty-five dollars (\$25) and file a written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance and, if so, the nature of the offense and the punishment or penalty assessed therefor.
- (7) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (8) Such other available evidence as will enable an investigation to evaluate the applicant's moral reputation and business responsibility. (1985 Code, § 5-103, as amended by Ord. #93-3, § 1, March 1993)

9-104. 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 official designated by the town council 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 official designated by the town council 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 official designated by the town council shall issue a permit upon the payment of all applicable privilege taxes. The comptroller shall keep a permanent record of all permits issued. (1985 Code, § 5-104)

9-105. Appeal. Any person aggrieved by the action of the chief of police and/or the official designated by the town council in the denial of a permit shall have the right to appeal to the town council. Such appeal shall be taken by filing with the mayor, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor 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. (1985 Code, § 5-105)

9-106. 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 town 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. (1985 Code, § 5-106)

9-107. 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 such operation might impede or inconvenience the public use of such 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. (1985 Code, § 5-107)

9-108. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1985 Code, § 5-108)

9-109. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1985 Code, § 5-109)

9-110. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the town council, 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) 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 comptroller 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) The mayor may suspend a permit pending the revocation hearing when reasonably necessary in the public interest or for the failure of the applicant to attend a hearing. (1985 Code, § 5-110)

9-111. Reapplication. 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. (1985 Code, § 5-111)

9-112. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year.

An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect which have changed since the last application was filed. (1985 Code, § 5-112)

CHAPTER 2

SPECIAL AND LIQUIDATION SALES

SECTION

- 9-201. Statutes adopted.
- 9-202. Definitions.
- 9-203. Exemptions.
- 9-204. Recorder may make regulations.
- 9-205. Violation declared nuisance; enforcement.
- 9-206. License required.
- 9-207. General duties of recorder; application for license.
- 9-208. Investigation of application; issuance of license; duration.
- 9-209. Renewal of licenses.
- 9-210. Fee to accompany application.
- 9-211. Display of licenses; books and records.
- 9-212. License suspension, revocation.
- 9-213. Contents of advertising.
- 9-214. Purchase of goods for sale hereunder.
- 9-215. Manner of listing goods on inventory.

9-201. Statutes adopted. The provisions of Section 6-55-401 to 6-55-413, both inclusive, of the Tennessee Code Annotated are hereby adopted by the Town of Signal Mountain, as authorized by Section 6-55-413, as herein modified, as applied to the Town of Signal Mountain, shall be as set out in this chapter. (Ord. # 91-40, May 1991)

9-202. Definitions. The following terms, wherever used or referred to in this chapter, shall have the following meaning unless a different meaning appears from the context:

(1) "Inspector" shall mean an inspector employed by the department of finance of the town.

(2) "License" shall mean a license issued pursuant to this chapter.

(3) "Licensee" shall mean any person to whom a license has been issued pursuant to this chapter.

(4) "Publish, publishing, advertisement, advertising" shall include any and all means of every kind of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, by newspaper advertising, by magazine advertisement, by handbill, by written notice, by printed notice, by printed display, by billboard display, by poster, by radio announcement and by any and all means including oral, written or printed.

(5) "Sale" shall mean the sale of or any offer to sell to the public goods, wares, and merchandise of any and all kinds and descriptions on hand and in stock in connection with a declared purpose, as set forth by advertising, on the

part of the seller that such sale if anticipatory to the termination, closing, liquidation, revision, windup, discontinuance, conclusion, or abandonment of the business in connection with such sale. It shall also include any sale advertised to be a "fire sale," "adjustment sale," "creditor's sale," "liquidation sale," "reorganization sale," "insurance salvage sale," "insolvent sale," "adjuster's sale," "loss-of-lease sale," "wholesaler's closeout sale," "creditor's committee sale," "forced-out-of-business sale," "removal sale," and any and all sales advertised in such manner as to reasonably convey to the public that upon disposal of the stock of goods on hand the business will cease and be discontinued.

(6) "Recorder" shall mean the recorder of the town. (Ord. # 91-40, May 1991)

9-203. Exemptions. The provisions of this chapter shall not apply to or affect the following persons:

(1) Persons acting pursuant to an order of process of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers and duties as public officers, such as sheriffs and marshals;

(3) Duly licensed auctioneers, selling at auction. (Ord. # 91-40, May 1991)

9-204. Recorder may make regulations. The recorder is further empowered to make such rules and regulations for the conduct and advertisement of such sale or special sale as in his opinion will serve to prevent deception and to protect the public. (Ord. # 91-40, May 1991)

9-205. Violation declared nuisance; enforcement. To conduct any sale herein defined without obtaining the license required by this chapter or to violate any other provisions of this chapter is hereby declared to be a misdemeanor and a public nuisance, and, for the purpose of the enforcement of this chapter, the recorder is hereby authorized fully to exercise all powers of collection, as authorized to be extended and granted to county court clerks or municipal officers, or collectors by and in as full a manner as provided by the Tennessee Code Annotated. In addition to the other requirements providing for the collection of the license fee herein imposed and for the enforcement of this chapter, the recorder is authorized to certify to the town attorney the failure of any person to obtain a license as herein required and to pay the fee therefor or the violation of any other provisions hereof. Thereupon, the town attorney shall forthwith file a bill in a court of proper jurisdiction to enjoin such person from continuing to conduct said sale, which injunction shall remain in force so long as such person is in default. Upon the payment of such a license fee as may be due, and upon compliance with the other provisions of this chapter, the town attorney shall be authorized to dismiss said bill upon the payment of costs by

the defendant and all expenses incurred with the institution of said suit. (Ord. # 91-40, May 1991)

9-206. License required. No person shall hereafter publish or conduct any sale of the type defined herein without a license therefor. (Ord. # 91-40, May 1991)

9-207. General duties of recorder; application for license. The recorder is hereby authorized and empowered to supervise and regulate sales or special sales defined herein and to issue appropriate licenses or license, therefor. Such licenses or license shall be issued in the discretion of the recorder upon written application in a form approved by the recorder and verified by the person who, or by an officer of the corporation which, intends to conduct such sale. Such application shall contain a description of the place where such sale is to be held, the nature of the occupancy, whether by lease or sublease and the effective date of the termination of such occupancy, the means to be employed in publishing such sale. Such application shall further contain, as part thereof, an itemized list of the goods, wares, and merchandise to be offered for sale, the place where such stock was purchased or acquired, and if not purchased, the manner of such acquisition. Such application shall contain any additional information as the recorder may require. (Ord. # 91-40, May 1991)

9-208. Investigation of application; issuance of license; duration. Upon receipt of such application and payment of the fee hereinafter prescribed, the recorder shall cause the same to be examined and investigated. If after such investigation the recorder is satisfied as to the truth of the statements contained in such application and as to the form and content of the advertising to be used in connection with such sale, he may then issue a license permitting the publication and conduct of such sale. Such license shall be for a period of not exceeding thirty (30) days. (Ord. # 91-40, May 1991)

9-209. Renewal of licenses. Upon satisfactory proof by the licensee that the stock itemized in the original application has not been disposed of, the recorder may renew such license for an additional thirty (30) day period upon payment of the prescribed renewal fee. Such proof for a renewal license shall be furnished in a form to be issued by the recorder. Said renewal application shall contain an itemized list of stock on hand and the same shall be verified by the applicant. The recorder shall cause the same to be examined and investigated, and if satisfied as to the truth of the statements therein contained, the recorder may issue a renewal license for a period not exceeding thirty (30) days, provided, however, that not more than three (3) such renewals shall be granted for any such sale for the same location within a period of one year from date of the issuance of the first license. (Ord. # 91-40, May 1991)

9-210. Fee to accompany application. Upon filing an original application or a renewal application for a license to advertise and conduct a sale or special sale, as hereinbefore defined, the applicant shall pay to the recorder a fee in the sum of fifty dollars (\$50.00). If any application or renewal application is disapproved, said payment shall be forfeited to the recorder as and for the cost of investigating the statements contained in such application or renewal application. (Ord. # 91-40, May 1991)

9-211. Display of licenses; books and records. Upon commencement of any sale, as hereinbefore defined, the license issued by the recorder shall be prominently displayed near the entrance of the premises. A duplicate of the original application and stock list pursuant to which license was issued, shall at all times be available to the recorder or to inspectors, and the licensee shall permit such inspectors to examine all merchandise in the premises for comparison with such stocklist. Suitable books and records as prescribed by the recorder shall be kept by the licensee and shall be at all times available to the inspectors. At the close of business day the stock list attached to the application shall be revised and those items disposed of during such day shall be marked thereon. (Ord. # 91-40, May 1991)

9-212. License suspension, revocation. The recorder shall have power to suspend or revoke at any time any license granted in accordance with this chapter. (Ord. # 91-40, May 1991)

9-213. Contents of advertising. All advertisements or advertising and the language contained therein shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued and the wording of such advertisements shall not vary from the wording as indicated in the application. Such advertising shall contain a statement in these words and no others:

"Sale held pursuant to Permit No. _____ of Department
of Finance of the Town of Signal Mountain, granted on the
_____ day of _____, 19_____."

and in such blank spaces shall be indicated the permit number and the requisite date. (Ord. # 91-40, May 1991)

9-214. Purchase of goods for sale hereunder. In order to carry out the purposes of this chapter, it shall be unlawful for the applicant to add, or permit to be added to, or included in the itemized list of goods, wares, or merchandise to be offered for sale as required herein, goods ordered in contemplation of conducting a sale regulated hereunder and any unusual order, purchase or addition to the stock of goods of the business hereby affected within thirty (30) days before the filing of such an itemized list of goods shall be deemed to be prima facie evidence intent to violate this provision. (Ord. # 91-40, May 1991)

9-215. Manner of listing goods on inventory. To further carry out the purpose of this chapter, the itemized list of goods, wares, and merchandise to be sold, which is required to be filed along with the application for a license or a renewal thereof, as provided herein, shall be sufficient if such goods, wares, or merchandise are listed with their total retail value in dollars by departments or categories, or if listed separately with their individual retail value hereon. (Ord. # 91-40, May 1991)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Town declared to be a bird sanctuary; unlawful to kill birds.
10-102. Keeping fowl in town prohibited.
10-103. Keeping livestock in the town.
10-104. Livestock running at large prohibited.
10-105. Disposal of dead animals.
10-106. Prohibiting housing animals in the front yard of residences.

10-101. Town declared to be a bird sanctuary; unlawful to kill birds.

(1) The entire area within the town is hereby declared to be a bird sanctuary.

(2) It shall be unlawful for any person to kill a bird of any kind or description within the town. (1985 Code, § 3-101)

10-102. Keeping fowl in town prohibited. It shall be unlawful for any person to keep chickens, ducks, geese or other fowl in the town. (1985 Code, § 3-102)

10-103. Keeping livestock in the town. It shall be unlawful for any person to keep swine, goats, sheep or other livestock within the town except in the part of the town zoned "Residential Estate District." (1985 Code, § 3-103, as replaced by Ord. #96-1, § 1, Feb. 1996)

10-104. Livestock running at large prohibited. It shall be unlawful for any person owning any livestock to permit or suffer the livestock to run at large in the town. Any livestock running at large in the town shall be subject to impoundment by a person duly qualified and appointed by the town council for that purpose and may be recovered by the owner on payment of expenses incurred by the town for impounding.

Unclaimed animals may be disposed of as the Humane Educational Society may direct. Dangerous or diseased animals may be impounded and destroyed by the Humane Educational Society. (1985 Code, § 3-104, as replaced

by Ord. #96-1, § 2, Feb. 1996; and further replaced by Ord. #96-5, § 1, June 1996)

10-105. Disposal of dead animals. (1) When any animal dies, the owner or person in possession of it shall, within twelve (12) hours thereafter, cause the carcass to be removed and buried, burned or so disposed of that it shall not become a nuisance.

(2) The carcasses of animals which have been destroyed knowing to being infected with any form of contagious disease, shall be completely burned or buried to the satisfaction of the health officer by the owner or person in possession thereof so as to prevent the possibility of other animals becoming infected. (1985 Code, § 3-105)

10-106. Prohibiting housing animals in the front yard of residences. Housing of any type of animal in the front yard of residences is prohibited, including animal cages with or without the animals in them. Front yards are defined as the portion of the yard from the forward most front part of the residential structure to the street. This does not apply to small bird houses. (As added by Ord. #2000-3, Feb. 2000)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Keeping or harboring cat or dog considered ownership thereof.
- 10-202. Dogs and cats required to be inoculated against rabies.
- 10-203. Dogs and cats required to be registered and wear tags; dogs and cats without tags to be impounded.
- 10-204. Allowing dogs and cats to create a nuisance prohibited; disposition of dogs and cats creating a nuisance.
- 10-205. Disposition of complaints about dogs or cats creating a nuisance.
- 10-206. Seizure of dangerous dogs and cats.
- 10-207. Disposition of impounded dogs and cats.
- 10-208. Female dogs in season to be confined.
- 10-209. Enforcement.
- 10-210. Violations.
- 10-211. Vicious dog.

10-201. Keeping or harboring cat or dog considered ownership thereof. If any dog or cat is found on the premises of any person for a period of five (5) days or more, that shall be prima facie evidence that such dog or cat belongs to the occupant of such premises, and any person keeping or harboring a dog or cat for five (5) consecutive days shall, for the purpose of this chapter, be declared to be the owner and liable for violation of this chapter. (1985 Code, § 3-201)

10-202. Dogs and cats required to be inoculated against rabies. Whoever owns, keeps, or harbors a dog or cat within the corporate limits of the town shall have such dog or cat properly inoculated or immunized against rabies and shall, each year thereafter, having such dog or cat reinoculated or reimmunized against rabies; provided, however, that dogs and cats need not be inoculated before they reach the age of three (3) months. The record of inoculation or reinoculation shall be subject to inspection by a person appointed by the town council, and the owner or keeper of the dog or cat shall secure an approved tag, which shall contain thereof the year of inoculation and a number which shall correspond with the number on the record kept by person inoculating or reinoculating such dog or cat. Such tag shall be securely fastened to the collar worn by the dog or cat. (1985 Code, § 3-202, as replaced by Ord. #94-2, § 1, March 1994)

10-203. Dogs and cats required to be registered and wear tags; dogs and cats without tags to be impounded. The owner of every dog or cat over the age of three (3) months shall register such dog or cat annually with a person designated by the town council. Such registration shall expire one year from

date of issuance. No dog or cat may be registered until the owner presents satisfactory evidence of the animal's inoculation or immunization against rabies within the calendar year in which registration is requested. The person so designated shall issue a license tag for each dog or cat registered, containing a registration number of the Town of Signal Mountain and year of registration. Such tag shall be fastened to the collar of the dog or cat. It shall be unlawful for any person to use a tag on a dog or cat for which a tag was not issued.

The owner of each dog or cat registered shall pay to the town a fee of five dollars (\$5.00) each; provided, that a surcharge of an additional five dollars (\$5.00) shall be levied against all dogs and cats which are not neutered.

The person designated by the town council is authorized to charge a fee of two dollars (\$2.00) for each lost tag replaced.

Such registration shall be effective for one year from the date of issuance of such certificate of registration. Owners of dogs or cats who have failed to register their animals and owners of dogs or cats who have failed to renew the registration of their animals within thirty days of the expiration of any prior certificate of registration shall be deemed delinquent and shall be subject to an additional late fee of two dollars (\$2.00) per dog, or cat, in addition to the regular annual registration fee and in addition to any fine imposed to put upon such owners by a court of competent jurisdiction.

The provisions of this section shall not apply to non-residents of the town who are traveling through the town or temporarily sojourning therein for a period of less than thirty (30) days, and/or persons bringing dogs and cats into the city exclusively for show or exhibition purposes.

It shall be unlawful for any person to own, keep or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by this chapter. Animals found without a tag shall be impounded by persons duly qualified and appointed by the town council for that purpose and may be recovered by the owner on payment of a minimum charge of twenty-five dollars (\$25.00) for the first offense, and board for each day after the first forty-eight (48) hours of detention, at the rate of three dollars (\$3.00) per day; provided however that upon a second offense the above impoundment fee shall be fifty dollars (\$50.00) and upon third and subsequent offenses shall be one hundred dollars (\$100.00) in addition to the board of three dollars (\$3.00) as set out above.

Unclaimed animals may be disposed of as the Humane Educational Society may direct. Dangerous or diseased animals may be impounded and destroyed by the Humane Educational Society.

The licenses and taxes collected pursuant to this section shall be used by the Humane Educational Society for the purposes set forth in the Private Acts of 1925, Chapter 557, as may be amended.

The surcharge for unneutered dogs and cats shall be used exclusively in the spay and neuter program of the Humane Educational Society.

No persons shall bring a dog or cat into the town for sale, exchange or giving away unless such dog or cat has been inoculated by a veterinarian of the state in which the owner lives or by some person authorized to make vaccinations and the owner of such dog or cat has in his possession a certificate of the person making the vaccination or inoculation; unless such dog or cat is kept confined or on a leash.

If any dog or cat seized as provided in this chapter is registered, the person designated by the town council shall give notice by postcard sent by United States Mail to the owner given on the registration record within twenty-four (24) hours after the seizure of such dog or cat.

An unclaimed dog or cat may be redeemed by a person other than the owner thereof upon payment of the registration fee provided in this chapter, if such dog or cat is unregistered, and the impoundment fee of ten dollars (\$10.00) and board for each day of detention as provided in this section; provided that such persons shall furnish two satisfactory references and sign a written agreement that the dog and cat will be cared for humanely and returned to the pound if the poundkeeper so demands. Such persons shall also agree that in the event the owner of such dog or cat claims it within a period of thirty days upon demand of the person designated by the town council and the payment by the owner to the person designated by the town council for the use and benefit of such person of the fee and board paid out of such person and board for the period that such persons cared for this dog or cat at one dollar (\$1.00) per day such dog or cat will be returned to the person designated by the town council who shall return it to the owner. Dogs and cats shall not be released to persons other than their owners for any other purposes than to serve as pets or watchdogs.

All fees collected under this section shall be used for the enforcement of its provisions.

The surcharge for any unneutered animals shall be used exclusively in the spay and neuter program. (Ord. of Dec. 12, 1988, as replaced by Ord. #94-2, § 2, March 1994)

10-204. Allowing dogs and cats to create a nuisance prohibited; disposition of dogs and cats creating a nuisance. (1) It shall be unlawful for any person to allow any dog or cat owned by him or under his control to create a nuisance. Any dog or cat found creating a nuisance in violation of this chapter, any dog or cat required to be registered and found to be unregistered, any dog or cat required to be inoculated or immunized against rabies and found to be not inoculated or immunized against rabies, and any dog or cat affected by rabies or reasonably suspected of being affected by rabies, is declared to be nuisance and liable to impoundment by the Humane Educational Society, or persons designated by the town council.

(2) For the purposes of this chapter, a cat is also declared to be a nuisance if on one or more occasions it commits any of the following acts of nuisance:

(a) If it is observed upon any property other than that of its owner or custodian.

(b) If it obstructs passage of any public roadway to travel by bicycle, motorbike, or motor vehicle, or to pedestrian travel by entering upon the public roadway and obstructs the free passage thereof.

(c) If, without provocation, a cat bites a person.

(d) If it is observed scattering any garbage located on public or private property.

(e) If it by loud and frequent crying creates a noise or disturbs the peace and quiet of any neighborhood.

(f) If it is observed, leashed or not, at public places where people gather, such as schools, churches, parks, playgrounds, shopping centers, picnic areas, town hall, town property, town swimming pools, or town fire and police station.

An animal running at large committing an act of nuisance as above defined shall be subject to impoundment by the Humane Educational Society or other person appointed by the town council, and may be recovered by its owner, or disposed of as provided in section 10-207.

If a dog or cat commits one of the above acts of nuisance, in lieu of picking up the dog or cat and impounding it, the owner or person having control of the dog or cat may be cited to court, and if found guilty, shall be fined according to the general penalty provisions of this code of ordinances.

Upon receipt of any complaint, the Humane Educational Society, police of the town or other person appointed by the board of commissioners may investigate the same and may cause a citation issued to the owner or custodian of such animal for violation of this section.

If a person is found guilty of allowing any dog or cat to commit a nuisance offense as defined in section (2) above, then such person may be required to confine the dog or cat and never permit it to run at large in the town again. If it is again found committing a nuisance, the person shall remove the dog or cat from the town, or it shall be disposed of as directed by the Humane Educational Society.

(3) For the purposes of this chapter, a dog is also declared to be a nuisance if on one or more occasions it commits any of the following acts of nuisance:

(a) Runs at large, or astray, on the premises of another, or upon any public street or sidewalk or other public property in the town unless such dog is attended by the owner or his representative on leash or other physical confinement.

(b) If, without provocation, it bites a person or another dog.

(c) If it, by loud and frequent barking, whining or howling, disturbs the peace and quiet of any neighborhood.

An animal committing an act of nuisance as above defined shall be subject to impoundment by the Humane Educational Society or other person

appointed by the town council and may be recovered by its owner, or disposed of as provided in section 10-207.

If a dog commits one of the above acts of nuisance, in lieu of picking up the dog and impounding it, the owner or person having control of the dog may be cited to court, and if found guilty, shall be fined according to the general penalty provisions of this code of ordinances.

Upon receipt of any complaint, the Humane Educational Society, police of the town or other person appointed by the town council may investigate the same and may cause a citation issued to the owner or custodian of such animal for violation of this section. (1985 Code, § 3-204, as amended by Ord. # 90-6, and # 90-7)

10-205. Disposition of complaints about dogs or cats creating a nuisance. Complaints of dogs or cats creating a nuisance shall be handled as follows:

(1) Upon receipt by the town of an oral or written complaint from a resident of the Town of Signal Mountain that a dog or cat has been observed to be committing an act of nuisance as defined in this chapter under section 10-204 (2), the town immediately shall notify the registered owners or custodians of such dog or cat of receipt of the complaint.

(2) Upon receipt of the town of an oral or written complaint that a dog or cat has committed an act of nuisance as described in section 10-204 (2)(a), (b), (c), or (d), a citation having been issued to the owner, or person in control, citing such person to town court, the town shall issue a written order to the registered owner or custodian of such dog or cat requiring that the dog or cat be confined at all times to the premises of the owner or custodian (except when such dog or cat is under leash or being transported from one place to another in an enclosed vehicle), which order shall continue in force until a hearing in town court at which time the judge may make the order permanent or dissolve it, in his discretion, depending on the circumstances and whether such order is necessary to protect the citizens of the town.

The town shall maintain written records of complaints received and of notices transmitted hereunder, showing the date a complaint is received, the name and address of the person making the complaint, if tendered, and a copy of the notice given to the owner or custodian of the subject dog or cat.

Upon receipt of any such complaint, the Humane Educational Society, police of the town or other person appointed by the town council may investigate the same and may cause a citation issued to the owner or custodian of such animal for violation of this section.

Any one violating this section shall be guilty of a misdemeanor punishable by a fine pursuant to the general penalty clause of this code of ordinances. (1985 Code, § 3-205)

10-206. Seizure of dangerous dogs and cats. The Humane Educational Society, police or other designated person shall seize and impound any dog or cat under the following circumstances:

(1) If the dog or cat is rabid, or the Humane Educational Society, or other designated person has reasonable cause to suspect the dog or cat to be rabid, or

(2) If the dog or cat has been bitten by another dog or cat which is under suspicion of being rabid, or

(3) The dog or cat is behaving viciously or out of control, or

(4) If in the attempt to seize any dog or cat, it is impossible or impractical to secure it safely with the hands, the Humane Educational Society or other designated person may apprehend the dog or cat by use of a tranquilizer gun (or other similar device not intended to kill or maim the dog or cat). If such method of apprehension fails, and a representative of the town is convinced that public welfare and safety demand prompt and drastic action, he may destroy the animal by shooting it, provided he is close enough to the animal to kill it humanely and in a manner that no human life may be imperiled by his action.¹ (1985 Code, § 3-206)

10-207. Disposition of impounded dogs and cats. Dogs and cats impounded under the provisions of this chapter shall be disposed of as follows:

(1) Any registered dog or cat impounded shall be kept for a period established by the Humane Educational Society after notice actually served upon the owner and after all reasonable attempts to notify the owner; and if such dog or cat is not redeemed within such period, it may be humanely destroyed or otherwise disposed of as the Humane Educational Society may direct.

(2) The owner of a registered dog or cat may claim and redeem it by paying the person designated by the town council an impoundment fee for the first offense of twenty-five dollars (\$25.00) and board for each day after the first forty-eight (48) hours of detention at the rate of three dollars (\$3.00) per day; provided, however, that upon a second offense the impoundment fee shall be fifty dollars (\$50.00) and upon third and subsequent offenses shall be one hundred dollars (\$100.00) in addition to the board of three dollars (\$3.00) per day as set out above.

(3) Every dog or cat which has bitten a human or has been exposed to rabies or which is suspected of having rabies shall be impounded for a period of ten (10) days or more by the Humane Educational Society, or, at the option of the owner of such dog or cat, shall be detained in a reputable veterinary hospital

¹For a Tennessee Supreme Court upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the charges while such dog or cat is confined therein. During such confinement the dog or cat shall be under the observation and supervision of the Hamilton County Director of Public Health, and it shall be released or humanely destroyed by the poundkeeper after the termination of the observation period according to instructions from the Director of Public Health. The Director may order the poundkeeper to destroy such dog or cat at any time during the period of observation if evidence is such as to convince the Director that the dog or cat has rabies. During the period of observation, the owner of such dog or cat shall be liable for reasonable board fees, if such dog or cat is confined at the pound.

(4) An unclaimed dog or cat may be redeemed by a person other than the owner upon compliance with registration provisions of this chapter, upon payment of the registration fee provided herein, if such dog or cat is unregistered, and upon payment of the arrest fee and reasonable board for each day of detention, provided, that such person shall furnish two (2) satisfactory references and sign a written agreement that the dog or cat will be cared for humanely and returned to the pound if the poundkeeper so demands. Such person shall also agree that in the event the owner of such dog or cat claims it within a period of thirty (30) days, upon demand of the poundkeeper, the animal shall be returned to its owner and such person that has paid fees and board shall be paid the amount of the fees and board. Such dog or cat will be returned to the poundkeeper, who shall return it to the owner. Dogs and cats shall not be released to persons other than their owners for any other purpose than to serve as pets or watchdogs. (1985 Code, § 3-207, as amended by Ord. #94-2, § 4, March 1994)

10-208. Female dogs in season to be confined. Every owner of a female dog in season is required to confine the same in such manner as not to attract other dogs for twenty-four (24) days during the time that she is in season. (1985 Code, § 3-208)

10-209. Enforcement. The Humane Educational Society or other person appointed by the town council, shall implement and enforce the provisions of this chapter and shall have the power to make arrests for any violation thereof. It shall be unlawful for any person to hinder, molest or interfere with such society or person in the performance of their duties hereunder. (1985 Code, § 3-209)

10-210. Violations. Any person who owns, keeps, or harbors a dog or cat, in violation of any provision of this chapter, who fails or refuses to have such dog or cat inoculated or reinoculated against rabies, or who obstructs or interferes in any manner with the enforcement of this chapter, shall be deemed guilty of

a misdemeanor punishable by fine according to the general penalty provision of this municipal code of ordinances. (1985 Code, § 3-210)

10-211. Vicious dog. (1) For the purpose of this section, "vicious dog" means:

(a) Any dog which has attacked a human being or domestic animal one or more times without provocation; or

(b) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(c) Any dog that snaps, bites, or manifest a disposition to snap or bite; or

(d) Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or

(e) Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Tennessee or the United States or a branch of the armed forces of the United States;

(f) Staffordshire terrier breed of dog; or

(g) The American pit bull terrier breed of dog; or

(h) The American Staffordshire terrier breed of dog; or

(i) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or

(j) Any dog which has the appearance and characteristics of being predominately of the breed of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

(2) An application to license a vicious dog must include, in addition to any information required above, the following:

(a) Presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$50,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner, or his or her agents, in the keeping or owning of such vicious dog. Said certificate shall require notice to the town, in conformity with general town standards for certificates of insurance, in the event the underlying policy of insurance is cancelled for any reasons.

(b) The cancellation or other termination of any insurance policy presented to comply with this section, shall automatically revoke and terminate the licenses issued under this subchapter unless another

certificate, complying with this section, shall be provided showing insurance in effect at the time of such cancellation or termination.

The application must be presented to the town recorder with two color photos of the dog.

The owner of the vicious dog shall be required to notify the town within 24 hours of any transfer of ownership of the dog, the dog's escape or death; any change of address by the owner, or birth of offspring to the dog.

(3) All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled provided below. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure.

All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog. All pens must have a sign with minimum two (2) inch lettering saying "Beware of Vicious Dog." The Humane Officer or other person designated by the town manager is empowered to inspect such pens at least once per year.

All structures erected to house vicious dogs must comply with all zoning and building regulations of the town. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length and a muzzle. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen years of age or older.

Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure. Violation of this section is a misdemeanor.

(4) A vicious dog which is found twice not to be confined as required by this chapter shall be required to be permanently removed from the town or destroyed. An animal which is returned to the town after removal under this section shall be destroyed.

(5) All unlicensed vicious dogs shall be deemed illegal animals. The person harboring or keeping an unlicensed vicious dog may have the animal removed from the town, if, however, the animal is again found unlicensed in the town or if the person holding or keeping the animal chooses not to remove it from the town then the dog shall be destroyed. This section shall not apply to

a dog which, upon initial notice to its owner, the owner agrees to properly license and confine; or to a dog for which a hearing has been requested under this chapter to determine if it is vicious until there has been a final decision on the questions raised at hearing at which time the owner may, if the dog is found vicious, properly license and confine said dog.

(6) Seizure, impoundment and disposition of vicious dogs:

(a) The humane officer or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may initiate proceedings to declare such dog a vicious dog. If the humane officer determines such dog a vicious dog, he shall inform the dog's owner by certified mail return receipt requested or personal delivery with a witness and give the owner 24 hours to deliver the dog to the pound where the dog will be kept at the owner's expense until the remaining administrative procedure shown below is resolved or the dog is removed from the town permanently, whichever occurs first. If the owner fails to deliver the dog to the pound, the humane officer with police assistance shall confiscate the dog and take it to the pound. If the owner contests said designation within seven days of receipt of the letter from the humane officer declaring the dog vicious, a hearing on the matter shall be conducted by the town manager or his or her designee. The person, firm or corporation owning, keeping, sheltering or harboring the dog in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(b) If, after hearing, the town manager or his or her designee determines a dog is a vicious dog, or a vicious dog held in violation of this chapter as set out in the notice of hearing, the town manager or his or her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to license and confine the dog as required by this chapter, or remove it from the town. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the town manager or his or her designee is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the order of the town manager or his or her designee was issued has not appealed such order to the town council or has not complied with the order, the town manager or his or her designee shall cause the animal or dog to be destroyed.

(c) The order to license, confine or remove a vicious dog from the town issued by the town manager or his or her designee may be appealed to the town council. In order to appeal such order written notice of appeal must be filed with the town recorder within three days after receipt of the order. Failure to file such written notice of appeals shall constitute a waiver of right to appeal the order of the town manager or his or her designee.

(d) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town recorder. The hearing of such appeal shall be scheduled within twenty days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the town council may affirm or reverse the order of the town manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the town recorder within three days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the town manager or his or her designee and the arguments of the parties or their representative, but no additional evidence shall be taken.

(e) If the town council affirms the action of the town manager or his or her designee, the town council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog, shall license and confine said dog as required by this chapter or remove such animal from the town. The decision and order shall immediately be served upon the person or entity against who rendered in the same manner as the notice set out in subsection (a) of this section. If the original order of the town manager or his or her designee is not appealed and is not complied with within three days or the order of the town council after appeal is not complied with within three days of its issuance, the chief of police or his or her designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the town manager or his or her designee or the town council was issued has not petitioned the municipal court for a review of said order, or has not complied with the order, the town manager or his or her designee shall cause the dog to be destroyed in a humane manner.

(f) Failure to comply with an order of the town manager or his or her designee issued pursuant hereto and not appealed, or of the town council after appeal is a misdemeanor.

(g) Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be

vicious. If the dog is not determined to be vicious, all costs shall be paid by the town except costs attributable to initial confinement prior to notice or cost of any required quarantine which shall nonetheless be paid by the owner.

(7) Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal and said animal may be immediately seized anywhere within the town apprehended, in which case the chief of police or his or her designee is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere with the town.

(8) Any animal required by any provision of this chapter to be removed, voluntarily or otherwise from the town, shall be so removed by its owner or the person harboring or having control of such animal who shall provide the chief of police a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the town shall be destroyed. (Ord. # 90-6, Nov. 1990, as amended by Ord. #98-4, March 1998)

TITLE 11

MUNICIPAL OFFENSES

CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. AGAINST THE PERSON.
4. GAMBLING, FORTUNE TELLING, ETC.
5. FIREARMS, WEAPONS AND MISSILES.
6. OBSCENITY, MORALS.
7. INTERFERENCE WITH PUBLIC OPERATION AND PERSONNEL.
8. TRESPASSING, LOITERING, VAGRANCY, PROWLING, MISCHIEF, ETC.
9. DANGEROUS CONDITIONS ON PROPERTY.
10. AGAINST THE PEACE AND QUIET.
11. LITTERING, POSTING NOTICES, ETC.

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 against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against the town also. Any violation of any such law within the corporate limits is also a violation of this section. (1985 Code, § 10-101)

¹See sections 39-1-103 and 39-1-104 of the Tennessee Code Annotated for definitions of "misdemeanor."

CHAPTER 2

ALCOHOL¹

SECTION

11-201. Processing alcoholic beverages on town property.

11-202. Drinking alcoholic beverages in public, etc.

11-201. Processing alcoholic beverages on town property. It shall be unlawful for any person to possess a can, bottle, or container of beer, wine whiskey, vodka, gin or any intoxicating alcoholic beverage, whether opened or unopened, in or on any Town of Signal Mountain property. Any violation of this section shall be a misdemeanor punishable by a fine of two dollars (\$2.00) to fifty dollars (\$50.00) (Ord. # 86-2, April 1986)

11-202. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the premises has a permit and license for on premises consumption. (1985 Code, § 10-202)

¹See title 8 of this code for detailed provisions governing the sale of alcoholic beverages within the town.

CHAPTER 3

AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-302. Coercing people not to work.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault and battery upon another person. (1985 Code, § 10-301)

11-302. 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. (1985 Code, § 10-302)

CHAPTER 4

GAMBLING, FORTUNE TELLING, ETC.

SECTION

11-401. Gambling prohibited.

11-402. Promotion of gambling.

11-403. Fortune telling, etc.

11-401. Gambling prohibited. 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. (1985 Code, § 10-401)

11-402. 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. (1985 Code, § 10-402)

11-403. 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. (1985 Code, § 10-403)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

- 11-501. Air rifles, etc.
11-502. Throwing of missiles.
11-503. Discharge of firearms.

11-501. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1985 Code, § 10-501)

11-502. Throwing of missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1985 Code, § 10-502)

11-503. Discharge of firearms. It shall be unlawful for any person to discharge firearms of any kind or description within the corporate limits of the Town of Signal Mountain, Tennessee, unless in self-defense or in the execution of law. (as added by ord. No. 91-12)

CHAPTER 6

OBSCENITY, MORALS

SECTION

- 11-601. Disorderly houses.
- 11-602. Immoral conduct.
- 11-603. Obscene literature, etc.
- 11-604. Indecent or improper exposure or dress.
- 11-605. Window peeping.
- 11-606. Profanity, etc.

11-601. Disorderly houses. (1) For the purposes of this section, a "disorderly house" shall mean any house or place in which people abide or to which they resort, to the disturbance of the neighborhood, for purposes which are injurious to the public morals, health, convenience or safety or in which illegal practices or violations of law are carried on or where loud and improper noises are made or where drunken, noisy persons congregate or that is so kept as to tend to corrupt the public morals or the general good order of the community.

(2) It shall be unlawful for any person in the town to keep or be in charge of a disorderly house or for any person to visit, occupy, or remain in a disorderly house.

(3) It shall be unlawful for the owner of any property in the town to rent the premises for the purpose of maintaining or operating a disorderly house thereon or to knowingly permit a disorderly house to be maintained or operated thereon. Evidence that a disorderly house is being maintained or operated by a tenant or occupant of any property shall be prima facie evidence that the maintenance and operation of the disorderly house is with the knowledge and permission of the owner of the property.

(4) The maintenance and operation of a disorderly house is declared to be a nuisance, in addition to being an offense, and is subject to be abated as such by appropriate proceedings. (1985 Code, § 10-601)

11-602. 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. (1985 Code, § 10-602)

11-603. Obscene literature, etc. It shall be unlawful for any person to knowingly sell, distribute, display, exhibit, possess with the intent to sell, distribute, display or exhibit; or to publish, produce, or otherwise create with the intent to sell, distribute, display or exhibit any obscene material. This section shall not be construed to permit the seizure or suppression of any material, obscene or otherwise, such seizure or suppression to be lawful only as expressly provided for by law. However, if the town attorney is of the opinion that this section is being violated, he may file a petition in a circuit, chancery, or criminal court in the county relating his opinion, and request the court to issue a temporary injunction enjoining the person named in the petition from removing the obscene material from the jurisdiction of the court pending an adversary hearing on the petition and further enjoining the person named in the petition from selling, distributing, displaying, or exhibiting the obscene material pending an adversary hearing on the petition. (1985 Code, § 10-603)

11-604. Indecent or improper exposure or dress. It shall be unlawful for any person publicly to appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (1985 Code, § 10-604)

11-605. 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. (1985 Code, § 10-605)

11-606. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general. (1985 Code, § 10-606)

CHAPTER 7

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-701. Escape from custody or confinement.
- 11-702. Resisting or interfering with an officer.
- 11-703. Impersonating a government officer or employee.
- 11-704. False emergency alarms.
- 11-705. Burglar and fire alarms.

11-701. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1985 Code, § 10-701)

11-702. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the town while such officer or employee is performing or attempting to perform his town duties. (1985 Code, § 10-702)

11-703. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1985 Code, § 10-703)

11-704. 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. (1985 Code, § 10-704)

11-705. Burglar and fire alarms. It shall be unlawful to install or operate a burglar or fire alarm system without first giving written notice to the town public safety director of the name and telephone number of whoever assumes the responsibility for cutting off the alarm system when advised to do so by the town police or fire department.

It shall likewise be unlawful for the owner or operator of an alarm system not to keep said information current and correct relative to the telephone number and name of whoever has assumed said responsibility for cutting off the alarm system. It shall be unlawful for the owner or operator of the alarm

system not to provide the names and telephone numbers of persons who will be available to cut off the alarm on a twenty-four hour basis every day of the year.

Each time there is a false alarm, the police or fire department shall notify the owner, by written report, and the owner shall have ten (10) days from the date of receipt of such notice to clarify and correct the fault of the false alarm with the public safety director.

If the owner does not do this to the satisfaction of the public safety director, the latter may assess a fee against the owner on an annual (calendar) year basis as follows:

- (1) First Alarm-No Charge
- (2) Second Alarm-No Charge
- (3) Third Alarm-No Charge
- (4) Fourth Alarm and all subsequent alarms-\$25.00. (1985 Code, § 10-705, as replaced by Ord. #94-7, § 1, Oct. 1994; and amended by Ord. #97-9, § 1, Aug. 1997, and Ord. #98-23, July 1998)

CHAPTER 8

TRESPASSING, LOITERING, VAGRANCY, PROWLING, MISCHIEF, ETC.

SECTION

11-801. Trespassing.

11-802. Malicious mischief.

11-803. Loitering.

11-804. Prowling.

11-805. Vagrancy.

11-806. Removal of or damage to town property.

11-807. Climbing or rappelling on bluffs in the town.

11-801. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1985 Code, § 10-801)

11-802. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to wilfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1985 Code, § 10-802)

11-803. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (1985 Code, § 10-803)

11-804. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at late or unusual hours in the night without any visible or lawful business and when unable to give a satisfactory account of himself. (1985 Code, § 10-804)

11-805. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, willfully to neglect to apply himself to some honest occupation. (1985 Code, § 10-805)

11-806. Removal of or damage to town property. It shall be unlawful for any person to remove, destroy, mutilate or deface any tree, shrub, plant, fern,

flower or other plant growth, stones, mineral, soil, structures, fences, or buildings on Town property. (1985 Code, § 10-806, as amended by ord. No. 92-16)

11-807. Climbing or rappelling on bluffs in the town. It shall be unlawful for any person to climb or rappel on the bluffs in the Town of Signal Mountain unless they are a duly authorized rescue service team trained by bluff rappelling and either training or rescuing injured people who have fallen.

The purpose of this section is to protect the general public from injury and for the benefit and welfare of the citizens, residents, and visitors of the said town. (as added by ord. No. 92-10)

CHAPTER 9

DANGEROUS CONDITIONS ON PROPERTY

SECTION

11-901. Abandoned refrigerators, etc.

11-902. Caves, wells, cisterns, etc.

11-903. Fires endangering woodlands.

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. (1985 Code, § 10-901)

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. (1985 Code, § 10-902)

11-903. Fires endangering woodlands.¹ It shall be unlawful for any person to start a fire so as to endanger or destroy woodlands within the town. (1985 Code, § 10-903)

¹See title 7, chapter 2 for regulations governing open burning within the town.

CHAPTER 10

AGAINST THE PEACE AND QUIET

SECTION

11-1001. Disturbing the peace.

11-1002. Anti-noise regulations.

11-1001. 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. (1985 Code, § 10-1001)

11-1002. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

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

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or 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 person in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

quiet, comfort, or repose of any 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, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

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

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 7:00 P.M. on Monday through Friday of each week of the year and other than between the hours of 8:00 A.M. and 7:00 P.M. on Saturday of each week of the year, 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 continued not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

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

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

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

of attracting attention to any performance, show, or sale or display of merchandise.

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplified 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. (1985 Code, § 10-1002, as amended by Ord. #18, July 1999)

CHAPTER 11

LITTERING, POSTING NOTICES, ETC.

SECTION

11-1101. Littering prohibited.

11-1102. Unauthorized posting of notices.

11-1101. Littering prohibited. No person shall throw, place, or deposit unsubscribed newspapers, handbills, advertisement sheets, posters, litter, garbage, or trash on public or private property including vehicles of all types within the limits of the Town of Signal Mountain, Tennessee, except in garbage receptacles for collection or in an official town dumpster. (1985 Code, § 10-1101, as amended by Ord. #93-6, § 1, Jan. 1993)

11-1102. Unauthorized posting of notices. No person shall fasten in any way any showcard, poster, newspaper, news letter or other advertising device upon any United States mailbox, or post supporting same, unless such person obtains written permission from the owner of the mailbox and post. (1985 Code, § 10-1102, as repealed by Ord. #93-1, § 1, Jan. 1993, and added by Ord. #2000-5, April 2000)

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. UNSAFE BUILDINGS.
4. SWIMMING POOLS.
5. STANDARD MECHANICAL CODE.
6. BOARD OF ADJUSTMENTS AND APPEALS FOR MECHANICAL CODES.
7. SITE PREPARATION, EXCAVATION AND GRADING CODE.

CHAPTER 1

BUILDING CODE

SECTION

- 12-101. Building Code, the Associated Codes and Standards Code and the North Carolina State Building Code, Volume 1-C-General Construction adopted.
- 12-102. Modifications.
- 12-103. Available in town hall.
- 12-104. Responsibility of general contractor's for removal of construction debris.
- 12-105. Reinspection and correction of defects.
- 12-106. Violations and penalties.

12-101. Building Code, the Associated Codes and Standards Code and the North Carolina State Building Code, Volume 1-C-General Construction adopted.

(1) The Standard Building Code, 1988 Edition and all future amendments. Pursuant to authority granted by Tennessee Code Annotated, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to any building or structure the Standard Building Code, 1988 Edition and all future yearly additions as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the building code.

¹See title 7, Fire Protection and Fireworks, for fire code; title 19, Electricity and Gas, for gas and electric codes.

(2) The Associated Codes and Standards Code, 1997 Edition and amendments. Pursuant to authority granted by Tennessee Code Annotated, and for the purposes of regulating other matters not covered in the above mentioned building code, such as interpretations for building structures, establishing standards for existing high rise buildings, establishing standards for floodplain management, standards for soil expansion, standards for sound control, standards for Southern Building Code Congress International, Inc. Test Method for Evaluating Fire Growth Contribution of Textile Wall Covering, the Associated Codes and Standards Code, 1997 Edition and all future yearly additions as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the associated codes and standards code.

(3) The North Carolina State Building Code, Volume 1-C-General Construction and Amendments. Pursuant to authority granted by Tennessee Code Annotated, and for the purpose of making buildings and facilities accessible to and usable by the physically handicapped as prepared and adopted by the North Carolina State Building Code Council, effective April 1, 1989, and any amendments thereto, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the North Carolina State Building Code, Volume 1-C-General Construction. (Ord. #88-2, May 1988, as amended by Ord. #99-17, July 1999)

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

(2) Section 102.1--BUILDING OFFICIALS is amended to read as follows:

(a) There is hereby created the office of building inspector for the town, who shall be appointed by the town council and who shall be paid a salary to be fixed by the town council. It shall be the duty of the building inspector to supervise the inspection of buildings; he may enter any building in the town in the performance of his duties and may issue such orders as may be necessary to secure compliance with this code and other town ordinances relating to building construction. The failure, neglect or refusal of any person to comply with any such order shall be unlawful.

(b) The building inspector shall not, during his tenure in office, be employed or engaged directly or indirectly in any building business, enter into any contract for building for others or furnish materials, specifications or plans for buildings for others in the town.

(3) Section 106.3--CONDITIONS OF THE PERMIT is amended to add the following sentence at the end:

On new residential structures and residential structures that are moved. The building permit shall expire one (1) year from date of issue. Extensions, when requested in writing and granted thirty (30) days prior to permit expiration, may be granted, for cause, for sixty (60) days. Subsequent extensions, regardless of cause, may be granted in sixty (60) day increments. First extension fee will be same as initial permit fee. Fee for each sixty (60) day subsequent extension will be two times (2X) previous fee.

Remodeling, renovation and demolition involving the exterior of an existing residential structure. Building permit shall expire six (6) months after date of issue. Extensions, when requested and granted in writing thirty (30) days prior to permit expiration, may be granted in sixty (60) day increments. First extension fee will be two times (2X) initial permit fee and for each subsequent sixty (60) day extension fee will be two times (2X) previous fee.

(4) Section 107.4--SCHEDULE OF PERMIT FEES is amended to read as follows:

The fee schedule shall be set by the town council from time to time, shall be available in published form at the town hall, and shall be set as to cover the cost of the building inspection operation.

(5) Section 1302.3--FOOTING DESIGN is amended by adding the following paragraph:

Notwithstanding the above requirements no footings shall be less than 10 inches deep nor less wide than 8 inches more than the width of the wall that is built upon them.

(6) Section 1302.1--GENERAL is amended by striking therefrom the figure "12" and substituting in lieu thereof the figure "16".

(7) Section 1404.2--THICKNESS OF BEARING WALLS is amended by amending subsection (c) thereof and striking therefrom the figure "6" and substituting in lieu thereof the figure "8" and is to apply to masonry only.

(8) Section 2204--MOVING OF BUILDINGS is amended in full and shall read as follows:

(a) Any owner, agent or contractor who desires to move any building within the corporate limits of the town from one location to another, or cause same to be moved, shall first make application to the building inspector and obtain a permit therefor.

(b) Each application for permit with the required fee therefor shall be filed with the building inspector on a form furnished by him, and shall be accompanied by a lot plan showing the location of the building as it exists and a lot plan showing the location of the building after its removal. Before the building inspector may issue a permit for the moving of a building from one location to another he shall make an inspection of

the building and of the lot onto which such building is to be moved, and determine whether or not the building after its relocation will be substandard or cause the area into which it is being moved to be a blighted area.

(c) In the event after an inspection by the building inspector it is determined that the building after removal will meet all the building code standards and will not cause blight or deterioration of the neighborhood or area into which the building is moved, the building inspector may issue a permit for the removal and relocation; provided, the application shall first be approved by the police chief, who shall fix the time such building is to be moved and the route over which such movement is to be made. No building shall be moved over any street other than the one approved and shall be moved between the hours fixed by the police chief.

(d) No permit shall be issued under this code for the moving of any building until the applicant has paid a fee of one hundred dollars (\$100.00) to pay the expense of the necessary investigation by the building inspector.

(e) The applicant for a permit for the moving of a building from one location to another within the corporate limits of the town shall file with the building inspector:

(1) A bond in the amount of \$1,000.00 conditioned that the applicant will conform to the regulations and ordinances of the town in reference to the moving of buildings; and

(2) A liability insurance policy with the town named as an additional assured, issued by a casualty company authorized to do business in the State of Tennessee, in an amount of not less than one hundred thousand dollars (\$100,000.00) for injury to one person and two hundred thousand dollars (\$200,000.00) for injury to more than one person, in any one accident; and one hundred thousand dollars (\$100,000.00) property damage where the removal of a building is moved on, along or over any street, alley or public way of the town.

(9) Section 114--VIOLATIONS AND PENALTIES is deleted in its entirety.

(10) Chapter III--FIRE DISTRICT is deleted in its entirety.

(11) The provisions of the Standard Building Code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, all driveways and parking lots in the town, except on municipal, county, state or federal property. A building permit shall be required for paving all such driveways and parking lots not on municipal, county, state or federal property.

(1985 Code, § 4-102, as amended by Ord. #94-11, § 1, Nov. 1994, and Ord. #98-3, Feb. 1998)

12-103. Available in town hall. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502, one (1) copy of the building code has been placed on file in the town hall and shall be kept there for the use and inspection of the public. (1985 Code, § 4-103, modified)

12-104. Responsibility of general contractor's for the removal of construction debris. General contractors shall at all time keep the premises upon which they or their employees are working, free from accumulations of waste material or rubbish caused by their employees or work and at the completion of work, they shall remove all rubbish from and about the building or structure and all their tools, scaffolding and surplus materials and shall leave their work "broom clean" or its equivalent. (1985 Code, § 4-104)

12-105. Reinspection and correction of defects. Any person who shall fail to correct any defect in his work within a reasonable time after having been duly notified of such defects by the building inspector or his assistants shall not receive any further permits until such defect or defects have been corrected. Immediately after the correction of such defect or defects the building inspector shall be notified of such corrections. One inspection shall be made after notice of correction at no charge. If, however, the defects or violations have not been corrected in accordance with this chapter of the town building code, there shall be a charge of twenty-five dollars (\$25.00) payable prior to inspections for each additional inspection caused by the non-compliance. If the defect or defects are not corrected with 10 days after notice by the building inspector to correct the defect, then there shall be a penalty of \$10.00 and each additional day over 10 days shall constitute a separate offense and require a penalty of \$10.00 each day. (Ord. # 85-8)

12-106. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the building code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1985 Code, § 4-106)

CHAPTER 2

PLUMBING CODE

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in town hall.
- 12-204. Reinspections.
- 12-205. Violations and penalties.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when said plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code, 1988 Edition with any future year additions as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. # 88-9, May 1988)

12-202. Modifications. (1) Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the town council of this town.

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

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

(4) Section 110 of the plumbing code is hereby deleted. (1985 Code, § 4-202)

12-203. Available in town hall. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502, one (1) copy of the plumbing code has been placed on file in the town hall and shall be kept there for the use and inspection of the public. (1985 Code, § 4-203, modified)

12-204. Reinspections. If the building official or his duly authorized representative shall upon his inspection after completion of the work or apparatus, find the same does not conform to and comply with the provisions of this code, he shall notify the contractor, indicating the corrections required; and when he shall be notified that the corrections have been made. He shall then again inspect the work or apparatus without further charge.

When extra inspections are necessary due to any of the following reasons, a charge can be made for each reinspection.

- (1) Wrong address.
- (2) Work not ready for inspection when called.
- (3) Repairs or corrections not made when inspection is called.
- (4) Condemned work, resulting from faulty work. (1985 Code, § 4-204)

12-205. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the plumbing code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1985 Code, § 4-205)

CHAPTER 3

UNSAFE BUILDINGS

SECTION

- 12-301. Declared to be a nuisance.
- 12-302. Condemnation board created; composition; qualifications of members.
- 12-303. Notice to take remedial action.
- 12-304. Unlawful rental or occupancy of premises.
- 12-305. Hearings on order of condemnation board.
- 12-306. Action by the town upon failure of owner to comply with order.

12-301. Declared to be a nuisance. Any building or structure in the town which, because of its disrepair or dangerous condition is a menace to the health, safety and the convenience of the public, is declared to be a nuisance. (1985 Code, § 4-501)

12-302. Condemnation board created; composition; qualifications of members. A board is hereby created to be known as the condemnation board and which shall consist of the chief of the fire department and two (2) residents and taxpayers of the town, one (1) of which members shall be in the real estate business and one (1) of which members shall be in the insurance business. (1985 Code, § 4-502)

12-303. Notice to take remedial action. (1) When the condemnation board is notified that any building or structure in the town is, on account of its condition, a menace to health, safety or the public convenience, the board may enter the premises and shall make an immediate investigation and if such building or structure is in a dangerous condition, the board shall serve an order on the owner thereof to repair the building or structure in conformity with the building, plumbing, electrical, gas, housing and other similar codes of the town relating to buildings, or to demolish it.

(2) If the owner of any building or structure ordered to be repaired or demolished is a nonresident of the town, the notice required by subsection (1) may be served upon his agent and, if he has no agent in the town, the notice may be served by registered mail and sent the owner at his last known post office address. (1985 Code, § 4-503, as amended by Ord. #93-7, § 1, May 1993)

12-304. Unlawful rental or occupancy of premises. It shall be unlawful for any owner of any building or structure to rent the building or structure, after issuance of an order of condemnation by the condemnation board pursuant to this chapter. (1985 Code, § 4-504)

12-305. Hearing on order of condemnation board. (1) If, within ten (10) days after the service of a notice to take remedial action given pursuant to this chapter, the building or structure has not been repaired or demolished in compliance with the notice, the condemnation board shall serve a notice upon the owner to appear before the mayor and the town council at a certain time, not less than ten (10) nor more than fifteen (15) days from the date of service of the notice for hearing.

(2) At the time fixed in the notice served by the condemnation board pursuant to subsection (1), the owner so notified shall appear before the mayor and town council. At the hearing, the condemnation board shall present the facts concerning the condition of the building or structure and the owner may present evidence and shall be entitled to be represented by counsel if he so desires.

(3) If, after hearing all the facts, the mayor and town council is of the opinion that a building or structure is a menace to health and safety, it shall order the building or structure repaired if its condition will permit and the owner so desires, or demolished. The mayor and town council shall give the owner not less than ten (10) days to comply with the order and it shall be unlawful for the owner to fail to comply therewith. (1985 Code, § 4-505)

12-306. Action by the town upon failure of owner to comply with order.

(1) If, at the expiration of the time given an owner for the repair or demolition of a dangerous building or structure by order of the mayor and town council, the owner has failed to comply with the order of the town council, the condemnation board shall have the necessary repairs made or have the building or structure demolished and charge the expense thereof to the owner of the building or structure.

(2) When any nuisance has been abated as provided in subsection (1), the condemnation board shall certify the amount of expense incurred in abating the nuisance to the town council, direct the town attorney to bring suit by attachment or otherwise, to collect the costs and the town shall have a lien on the property to secure the amount expended by it in abating the nuisance, which lien shall be superior to all other contractual liens. (1985 Code, § 4-506)

CHAPTER 4

SWIMMING POOLS

SECTION

- 12-401. Swimming pool code adopted.
- 12-402. Definitions.
- 12-403. Building permit required.
- 12-404. Electrical requirements.
- 12-405. Final inspection; enclosure.
- 12-406. Violations; penalty.

12-401.¹ Swimming pool code adopted. Pursuant to authority granted by the Tennessee Code Annotated and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal and demolition of swimming pools and buildings incidental thereto, the Standard Swimming Pool Code, 1991 edition and all future yearly additions as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the Swimming Pool Code. (as added by ord. No. 91-6)

12-402. Definitions. The term "swimming pool" is hereby defined as a receptacle for water or an artificial pool of water having a depth at any point of more than two (2) feet intended for the purpose of immersion or partial immersion therein. (1985 Code, § 4-601)

12-403. Building permit required. No public or private swimming pool installations, alterations, or repair work shall be commenced until a building permit shall first have been obtained from the town. Construction is to be done in accordance with the standard building code where applicable. (1985 Code, § 4-602)

12-404. Electrical requirements. All electric wires, lights, electric motors and similar electrical apparatus in or around private residential swimming

¹Ord. No. 91-6 amended the Signal Mountain Municipal Code by adding a section adopting the Standard Swimming Pool Code. The ordinance added this section to the chapter of the code concerning the building code. However, since a chapter concerning swimming pools existed in the municipal code, ordinance 91-6 was added to the swimming pool chapter as section 12-401 and all following sections were renumbered.

pools shall be constructed and maintained in accordance with the requirements of Article 680 of the National Electrical Code. (1985 Code, § 4-603)

12-405. Final inspection; enclosure. (1) Swimming pools shall not be filled with water until the fence and gates have been approved by the building inspector. For the safety of others, before final inspection, the pool shall be completely enclosed with a wall, fence or other substantial structure not less than four feet (4') in height above ground level or otherwise constructed as to be difficult to climb. All gates shall be equipped with self closing, self latching devices. Self closing and self latching devices must be kept in good working order.

(2) Private swimming pool installations must be complete, completely filled with water and in operation before final inspection. (1985 Code, § 4-604)

12-406. Violations; penalty. It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Town of Signal Mountain except in compliance with all of the provisions of this chapter.

A violation of any provision of this chapter shall be punished according to the general penalty provisions of this code of ordinances. (1985 Code, § 4-506)

CHAPTER 5

STANDARD MECHANICAL CODE

SECTION

12-501. Purpose, scope, and adoption.

12-502. Fees.

12-503. Violations and penalties.

12-501. Purpose, scope, and adoption. The purpose of the Standard Mechanical Code is to provide minimum standards, provisions, and requirements for a safe installation of mechanical devices which shall be installed, replaced, maintained or repaired within the corporate limits, and shall conform to the requirements of this chapter and to the Standard Mechanical Code 1988 Edition and all future yearly additions as prepared and adopted by the Southern Building Code Congress International, Inc. which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein and shall hereinafter be referred to as the Standard Mechanical Code. One (1) copy of the Standard Mechanical Code shall be kept on file in the town hall for the use and inspection of the public. (Ord. # 88-4, May 1988)

12-502. Fees. The fee schedule shall be set by the town council from time to time and shall be available in public form at the town hall and shall be set so as to cover the costs of the Standard Mechanical Code operation. (Ord. # 88-4, May 1988)

12-503. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the Standard Mechanical Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances or the license of such persons may be revoked, or both fine and revocation of license may be imposed. (Ord. # 88-4, May 1988)

CHAPTER 6

BOARD OF ADJUSTMENTS AND APPEALS FOR MECHANICAL CODES

SECTION

12-601. Created.

12-602. Composition; qualification of members.

12-603. Appointment and terms of members.

12-604. Chairman and secretary.

12-605. Powers and duties generally.

12-606. Appeals from determinations of the board.

12-601. Created. There is hereby created a board of adjustments and appeals for mechanical codes, for the town. (1985 Code, § 4-701)

12-602. Composition; qualifications of members. The board shall consist of eight (8) members, who shall be residents of the town, shall be active in the field of construction and shall serve without compensation. One (1) member of the board shall be a building contractor; one (1) member of the board shall be a plumbing contractor; one (1) member shall be an electrical contractor; one (1) member shall be a realtor; one (1) member shall be an architect; one (1) member shall be an engineer; one (1) member shall be a building supply dealer; and one (1) member shall be a homeowner. (1985 Code, § 4-702)

12-603. Appointment and terms of members. The members of the board shall be appointed by the town council for terms of four (4) years each; however, upon the initial appointment, two (2) members shall be appointed for a term of one (1) year, two (2) members for terms of two (2) years each, two (2) members for terms of three (3) years each, and two (2) members for terms of four (4) years each. (1985 Code, § 4-703)

12-604. Chairman and secretary. The board shall organize by electing one of its members as a chairman and one as a secretary. (1985 Code, § 4-704)

12-605. Powers and duties generally. The board shall meet on call by its chairman to consider appeals from the decisions of the various enforcement officers of the various mechanical codes of the town adopted in this code or other ordinances of the town and to consider adjustments in the various mechanical codes. The board shall have the power to determine questions of administrative interpretations of the various mechanical codes of the town code, questions of the use of materials and types of construction, to hear proof of performance of new materials or materials not specifically covered in the codes and to determine the usability of such materials and safety and permanence of various types of construction. The board shall also have power to make

recommendations for revisions or modifications of existing mechanical codes to the town council. (1985 Code, § 4-705)

12-606. Appeals from determinations of the board. Any person aggrieved by any action or decision of the board may appeal to the town council by requesting an appeal, in writing, within ten (10) days after the action or decision which is sought to be appealed. (1985 Code, § 4-706)

CHAPTER 7

SITE PREPARATION, EXCAVATION AND GRADING CODE

SECTION

12-701. Creation.

12-702. Permit required.

12-703. Hazards.

12-704. Application.

12-701. Creation. There is hereby created and established a site preparation, excavation and grading code for the Town of Signal Mountain. (Ord. # 87-4)

12-702. Permit required. From and after the effective date of this chapter, no person shall do any site preparation, excavation or grading without obtaining a permit for said work, with the exception of work being performed in conjunction with construction previously authorized by a building permit and set out in the building permit so obtained. (Ord. # 87-4)

12-703. Hazards. Whenever the building official determines that any existing excavation, embankment or fill on private property has become a hazard to life or property, or adversely affects the safety, use, or stability of a public way of drainage channel, the owner of the property upon which the excavation or fill is located or such other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the time period specified thereon repair or eliminate such hazard and to otherwise conform with the specifications and requirements of this code. (Ord. # 87-4)

12-704. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Town of Signal Mountain for that purpose. Every application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the location of the land where the proposed work is to be done including subdivision and lot number.
- (3) State the estimated quantities of work to be performed.
- (4) Give such other information as reasonably may be required by the building official. (Ord. # 87-4)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS

CHAPTER

1. LOT CLEARANCE.

CHAPTER 1

LOT CLEARANCE

SECTION

13-101. Definitions.

13-102. Unlawful accumulations of weeds, debris and dead timber.

13-103. Enforcement.

13-104. Manner of disposal.

13-105. Clearance of lots upon failure of owner to act; procedure; assessment of costs.

13-101. Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:

(1) "Dead timber" shall mean dead tree branches, dead trees or dead shrubbery.

(2) "Inflammable debris" shall mean and include dead leaves, old lumber, paper, pasteboard, rubbish or any inflammable waste material.

(3) "Weeds" shall mean all rank vines, bushes, stalks or vegetable growth. (1985 Code, § 8-401)

13-102. Unlawful accumulations of weeds, debris and dead timber. Any owner, lessee or occupant, or any agent, servant, representative or employee of any owner, lessee or occupant, having control of any lot of ground of any part of any lot, who shall allow or maintain on the lot any inflammable debris or any growth of weeds to a height of over one (1) foot or who shall allow dead timber to remain on the lot, shall be deemed guilty of an offense. (1985 Code, § 8-402)

13-103. Enforcement. It shall be the duty of all town police officers to watch for any violation of this chapter and to report at once all the facts to the chief of police. (1985 Code, § 8-403)

13-104. Manner of disposal. Weeds, when cut down, or debris or dead timber shall be removed from a lot and disposed of in such a manner as not to create a nuisance. (1985 Code, § 8-404)

13-105. Clearance of lots upon failure of owner to act; procedure; assessment of costs. (1) Whenever, in violation of this chapter, weeds, inflammable debris or dead timber of any of them, are allowed on any lot of ground or any part of any lot of ground within the town, the owner of the ground, or in case of joint tenancy or tenancy in common each owner thereof shall be liable not only for the penalty provided for in the general penalty provision of this code of ordinances, but also, on complaint of the town superintendent or of any citizen to the town council of any violation of this chapter, there shall be a hearing before the town council at any regular, special or called meeting, upon at least five (5) days notice given by the town, either to the owner or to his agent or by posting the notice on the premises. The notice shall give the time and place of the hearing. At the hearing, the town council, after considering the facts and hearing all objections or protests which may be made, may adopt or decline to adopt, a resolution declain the weeds, inflammable debris or dead timber to constitute a nuisance and ordering the town superintendent to abate and remove the nuisance and he is authorized, pursuant to the resolution, to enter upon private property for the purpose of abatement. The resolution shall describe the street or streets along which the work is to be done by the name under which it or the, are commonly known, and describe the property upon or in front of which the nuisance exists by the lot and block number of the lot according to a registered subdivision plat or the map of the town or some other definite, legal description by which the property can be identified.

(2) Any property owner may remove the weeds, growth, inflammable debris or dead timber at his own expense prior to the arrival of the town's employees and their undertaking of the work.

(3) If the weeds are not cut down or the inflammable debris or dead timber, as the case may be, are not removed within five (5) days from the passage of the resolution pursuant to subsection (1), the town shall have the same cut and removed and he is required to keep an account of the cost of abating such nuisance on each separate lot or parcel of land where the work is done, and shall render an itemized report in writing to the town council showing the cost of removing the weeds, inflammable debris or dead timber on each separate lot. A copy of the itemized report shall be posted on or near the chamber door of the town council at the town hall for at least three (3) days prior to its submission to the town council for confirmation, together with a notice of the time it will be submitted. The notice shall be given by the town clerk. At the time fixed in the notice, any owner whose property is concerned may protest and be heard. The town council of commissioners shall hear and consider such protest and any evidence thereon, and may make such modification thereof as may be deemed necessary, after which, the report or the report as modified, may be confirmed. The amount of the costs as thus ascertained for the cutting and removal of weeds, inflammable debris or dead timber on and from the respective parcels of land, shall be and constitute a special assessment against and a lien

upon, each of the parcels. The assessment shall be entered upon the tax books and be collected by the tax collecting authorities of the town at the same time, in the same manner and subject to the same interest, penalties and charges in case of delinquency, as ordinary town taxes against the land. (1985 Code, § 8-405)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

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

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Vacancies.
- 14-103. Chairman and vice chairman.
- 14-104. Secretary.
- 14-105. Meetings.
- 14-106. Purpose of functions.
- 14-107. Cooperation by town departments and employees.
- 14-108. Maps and plans.
- 14-109. Zoning recommendations.
- 14-110. Subdivision decisions.
- 14-111. Personnel.
- 14-112. Report and recommendations.
- 14-113. Other powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, section 13-4-101, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of not less than nine (9) members nor more than ten (10) members; two (2) of these shall be the mayor and another member of the town council, selected by the town council; the other eight (8) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. The terms of the eight (8) members appointed by the mayor shall be of such length as prescribed by the town council, provided that they shall be so arranged that the term of one (1) member will expire each year. The terms of the mayor and the member selected by the town council shall run concurrently with their terms of office. (1985 Code, § 11-101, as amended by Ord. #2001-1, Jan. 2001)

14-102. Vacancies. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1985 Code, § 11-102)

14-103. Chairman and vice chairman. The planning commission shall elect a chairman and vice chairman from among its appointed members whose term of office shall be for a period of one year. (1985 Code, § 11-103, as amended by Ord. #2001-2, April 2001)

14-104. Secretary. The planning commission shall appoint a secretary from among its membership, who shall have the custody of the books and records of the planning commission. The secretary shall serve at the will and pleasure of the commission. (1985 Code, § 11-104)

14-105. Meetings. (1) The planning commission shall appoint a secretary from among its membership within not less than two (2) weeks after the appointment of the members of the planning commission, the planning commission shall meet for the purpose of organization and it shall thereafter meet not less than once every three (3) months and at such times and places as it may fix by resolution. Special meetings may be called from time to time by its chairman or secretary.

(2) Six (6) members of the planning commission shall constitute a quorum.

(3) The planning commission shall keep a proper record of its proceedings. (1985 Code, § 11-105, as amended by Ord. #2001-2, April 2001)

14-106. Purpose of functions. (1) Purpose. Maintenance of the town as a predominantly single-family residential community by protecting existing and future residential areas from encroachment by incompatible land uses and endeavoring to prevent commercial, industrial and multi-family development from impairing the property values of single-family residential areas within the town.

(2) Functions. It shall be the duty of the planning commission to collect data and keep itself informed as to the best practices and the advancements made in the art of municipal planning, to the end that it may be qualified to act on matters that affect the present and future movements of traffic, the convenience and safety of persons and property, the health, recreation and general welfare and the use of buildings, structures and land for trade, industry, residence, recreation, public activities and all other needs of the town which are dependent upon at town plan. (1985 Code, § 11-106, as replaced by Ord. #97-12, § 1, Oct. 1997)

14-107. Cooperation by town departments and employees. The various departments of the government of the town and the employees thereof, upon application made to the heads of the departments, shall render to the planning commission all possible assistance, advice and cooperation consistent with the performance of the other duties required of them by law or assigned to them by

the heads of their respective departments or by the town council. (1985 Code, § 11-107)

14-108. Maps and plans. It shall be within the powers and duties of the planning commission to make plans and maps of the whole or any portion of the town or any land outside of the town, which, in the opinion of the planning commission, bears a relation to the planning and future growth of the municipality and to make changes in the plans and maps when it deems the changes advisable. The plans shall show the planning commission's recommendations for any streets, alleys, ways, viaducts, bridges, subways, railroads, terminals, transit lines, parkways, parks, playgrounds or any other public grounds or public improvements and the removal, relocation on, widening or extension of such public works then existing. (1985 Code, § 11-108)

14-109. Zoning recommendations. The planning commission shall make and certify to the town council a zoning plan, in accordance with Tennessee Code Annotated, section 13-4-201, which shall include both a full text of a proposed zoning ordinance and maps, representing the recommendations of the planning commission for the regulation by districts or zones of the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes. In making such recommendations, the planning commission shall take into consideration the present character of the district, the value of the land therein and the character building thereon, the peculiar suitability of the district for a particular use and other considerations which will promote the public health, safety, convenience and general welfare. (1985 Code, § 11-109, as amended by Ord. #2001-2, April 2001)

14-110. Subdivision decisions. The planning commission shall carry out its power and authority to review plats for the subdivision of land within the limits of the town and decide whether to permit, or deny, such plat applications. The planning commission's review shall include, but is not limited to, subdivision and right-of-way designs; access, frontage, depth and area of lots; drainage, easements, utility layout and designs; street grades; and conformity to official plans. In addition, the planning commission may require additional information and data be furnished by applicants on particular matters of concern. (1985 Code, § 11-110, as amended by ord. No. 92-2, and Ord. #2001-2, April 2001)

14-111. Personnel. The planning commission shall have power to comply such architects, engineers and contract for such other professional services and to appoint such clerks, draftsmen and other subordinates as it shall deem

necessary for the performance of its functions. The expenditures for such services and employment shall be within the amounts appropriated for the use of the planning commission. (1985 Code, § 11-111)

14-112. Report and recommendations. The planning commission shall make an annual report to the town council, giving a summary of its work during the preceding year; in the report, it shall also make recommendations as to future projects to be undertaken, and from time to time it shall also make like recommendations for public improvements which, in its judgement, should be undertaken. (1985 Code, § 11-112)

14-113. Other powers, duties, etc. The planning commission shall carry out all of its powers, functions and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1985 Code, § 11-113)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Governed by current zoning ordinance and amendments.

14-201. Governed by current zoning ordinance and amendments. Zoning within the Town of Signal Mountain shall be governed by the provisions of the current zoning ordinance and amendments.¹ (1985 Code, § 11-201)

¹See the office of the town recorder or this title for the current zoning provisions.

CHAPTER 3

MUNICIPAL FLOOD DAMAGE PREVENTION

SECTION

14-301. Statutory authorization, findings of fact, purposes and objectives.

14-302. Definitions.

14-303. General provisions.

14-304. Administration.

14-305. Provisions for flood hazard reduction.

14-306. Variance procedures.

14-301. Statutory authorization, findings of fact, purpose and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-19-101 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor of the Town of Signal Mountain, Tennessee and the Signal Mountain Town Council do ordain as follows:

(2) Findings of fact. (a) The Mayor of the Town of Signal Mountain and the Signal Mountain Town Council wish to (maintain - establish) eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

(b) Areas of Signal Mountain are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-protected, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
 - (d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
 - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.
- (4) Objectives. The objectives of this chapter are:
- (a) To protect human life and health;
 - (b) To minimize expenditure of public funds for costly flood control projects;
 - (c) To minimize the need for rescue and relief efforts associated with flooding;
 - (d) To minimize prolonged business interruptions;
 - (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
 - (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
 - (g) To ensure that potential buyers are notified that property is in a floodable area; and,
 - (h) To establish eligibility for participation in the National Flood Insurance Program. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

14-302. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Accessory structure" shall represent subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- (a) Accessory structures shall not be used for human habitation.
- (b) Accessory structures shall be designed to have low flood damage potential.
- (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(4) "Appeal" means a request for a review of the building official's interpretation of any provision of this chapter or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(6) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to sever flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(7) "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(8) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(9) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11) "Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

(12) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(13) "Elevated building" means a non-basement building

(a) Built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers),

(b) And adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base

flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(14) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(15) "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the program.

(16) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(17) "Existing construction" any structure for which the "start of construction" commenced before the effective date of this chapter.

(18) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

(19) "Existing structures" see "existing construction".

(20) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(21) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(22) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

(23) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

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

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

(27) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(28) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(29) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(30) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(31) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(33) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

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

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

(36) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

(37) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

(39) "Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior, or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(40) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering

practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(41) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(42) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(43) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(44) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(45) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.

(46) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

(48) "New construction" any structure for which the "start of construction" commenced on or after the effective date of this chapter. The term also includes any subsequent improvements to such structure.

(49) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

(50) "100-year flood" see "base flood."

(51) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(52) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projections;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(53) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

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

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged

condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;

(b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Signal Mountain, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Signal Mountain, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Number 47065C0327F, Effective Date: November 7, 2002 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activity.

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

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this chapter conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body, and;
- (c) Deemed neither to limit nor repeal any other powers granted

under state statutes.

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

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Signal Mountain, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

14-304. Administration. (1) Designation building inspector. The building inspector is hereby appointed to administer and implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the building inspector on forms furnished by him prior to any development activity. The development permit may include, but is not be limited to the following: plans in duplicate, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed

structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.*

(iii) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofed criteria in § 14-304(2)(b), where base flood elevation data is available.*

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

*(see (b) below)

(b) Construction stage. Within unnumbered A zones, where flood elevation data are not available, the building inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the building inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the building inspector. Duties of the building inspector shall include, but not be limited to:

(a) Review of all development permits to assure that the requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-304(2)(b).

(e) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with § 14-304(2)(b).

(f) When flood-proofing is utilized, the building inspector shall obtain certification from a registered professional engineer or architect, in accordance with § 14-304(2)(b).

(g) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 14-306.

(h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FHBM or FIRM meet the requirements of this chapter.

(i) All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files.

(j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

14-305. Provisions for flood hazard reduction. (1) General standards. In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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

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

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

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

(j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not extended.

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones

and A99 zones, and has provided a regulatory floodway, as set forth in § 14-303(2), the following provisions are required.

(a) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of § 14-305(2)(c).

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the (building official) as set forth in § 14-304(2)(b).

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

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

(A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

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

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

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

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-305(2) of this chapter.

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(A) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

(B) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

(C) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of § 14-305(2)(d)(ii)(A) and (B) above.

(iii) All recreational vehicles placed on sites must either:

(A) Be on the site for fewer than 180 consecutive days;

(B) Be fully licensed and ready for highway use; or

(C) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of § 14-305(2)(d)(i) or (ii)(A) and (B), above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of § 14-304(3)(h) shall be utilized for all requirements relative to the base flood elevation or floodways.

(3) Standards for areas of special flood hazard zones A1-30 and AE with established base flood elevation but without floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-305(2).

(4) Standards for areas of shallow flooding (AO and AH zones). Located within the areas of special flood hazard established in § 14-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

(b) All new construction and substantial improvements of nonresidential buildings shall:

(i) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

(ii) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(5) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

(a) All provisions of § 14-304 and § 14-305(1) and (8) shall apply.

(6) Standards for areas of special flood hazard with established base flood elevation and with floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where streams exist with base flood data and floodways provided, the following provisions apply:

(a) No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) If § 14-305(6)(a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-305(2).

(7) Standards for unmapped streams. Located within Signal Mountain, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

(a) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.

(b) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-304(2)(b).

(8) Standards for subdivision proposals. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new

development is in a flood-prone area, any such proposal shall be reviewed to assure that:

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

14-306. Variance procedures. (1) Board of zoning appeals.

(a) Creation and appointment. A board of zoning appeals is hereby established which shall be the existing board of zoning appeals appointed by the Signal Mountain Town Council. Vacancies shall be filled for any unexpired term by the Signal Mountain Town Council.

(b) Procedure. Meetings of the board of zoning appeals shall be held at such times as the board shall determine. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record.

(c) Appeals: how taken. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, any appropriate fee for the cost of publishing a notice of such hearings shall be paid by the appellant. The building inspector shall transmit to the board of zoning appeals all papers constituting the record upon which the appeal action was taken. The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than seven (7) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of zoning appeals shall have the following powers:

- (i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order,

requirement, permit, decision, determination, or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. (A) The Signal Mountain Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

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

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

(3) The susceptibility of the proposed facility and its contents to flood damage;

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

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

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

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

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

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

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon

(i) A showing of good and sufficient cause,

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates from flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. GENERAL.
2. EMERGENCY VEHICLES.
3. MOTORCYCLES, MOTOR DRIVEN CYCLES, AND BICYCLES.
4. SPEED LIMITS.
5. TURNING MOVEMENTS.
6. STOPPING AND YIELDING.
7. PARKING.
8. ENFORCEMENT.
9. ABANDONED VEHICLES.
10. VEHICLE ACCESS TO LOTS.

CHAPTER 1

GENERAL

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.
- 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. Damaging pavements.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from rear of vehicles.
- 15-119. Causing unnecessary noise.

¹For provisions relating to obstructions and/or excavations in public streets, alleys, sidewalks, and rights of way, see title 16 in this code.

15-120. Vehicles and operators to be licensed.

15-121. Passing.

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. (1985 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. (1985 Code, § 9-102)

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. (1985 Code, § 9-103)

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. (1985 Code, § 9-105)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1985 Code, § 9-106)

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. (1985 Code, § 9-107)

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. (1985 Code, § 9-108)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1985 Code, § 9-109)

15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1985 Code, § 9-110)

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. (1985 Code, § 9-111)

¹Also see sections 15-405--15-409 in this code.

²This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1985 Code, § 9-112)

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. (1985 Code, § 9-113)

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. (1985 Code, § 9-114)

15-114. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1985 Code, § 9-115)

15-115. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1985 Code, § 9-116)

15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1985 Code, § 9-117)

15-117. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1985 Code, § 9-118)

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not

less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) 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 (1/2) feet from the rear of such vehicle. (1985 Code, § 9-119)

15-119. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1985 Code, § 9-120)

15-120. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1985 Code, § 9-121)

15-121. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1985 Code, § 9-122)

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 commissioner of fire and police. (1985 Code, § 9-201)

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 five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1985 Code, § 9-202)

¹See section 15-501 in this code for provisions governing the operation of other vehicles upon the approach of emergency vehicles.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling 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. (1985 Code, § 9-203)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1985 Code, § 9-204)

CHAPTER 3

MOTORCYCLES, MOTOR DRIVEN CYCLES, AND BICYCLES

SECTION

15-301. Required equipment.

15-302. Operational rules.

15-303. Off street use restricted.

15-304. Holding onto other vehicles prohibited.

15-305. Special speed limits.

15-301. Required equipment. It shall be unlawful for any person to operate a motorcycle or motor driven cycle 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, which provisions are adopted by reference as fully as if set out in full herein. (1985 Code, § 9-301)

15-302. Operational rules. (1) Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

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

(7) Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles, faceshield or glasses,

containing impact resistant lenses for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(8) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1985 Code, § 9-302)

15-303. Off street use restricted. No motorcycle, motor scooter or any other motor driven cycle or bicycle shall be ridden upon any sidewalk of the Town of Signal Mountain nor shall any such vehicle be ridden on any vacant lot, yards or privately-owned property without the written consent of the owner. (1985 Code, § 9-303)

15-304. Holding on other vehicles prohibited. No rider of a motorcycle, motor scooter or any other motor driven cycle or bicycle shall hold onto any moving vehicle for the purpose of using the moving vehicle as a means of propulsion. (1985 Code, § 9-304)

15-305. Special speed limits. No person shall operate any motorcycle or any motor scooter at a speed greater than the speed limit legally posted; provided, however, in no event nor at any time may an operator under the age of sixteen (16) years operate a motorcycle or motor scooter at a speed greater than twenty-five (25) miles per hour. (1985 Code, § 9-305)

CHAPTER 4

SPEED LIMITS¹

SECTION

- 15-401. In general.
15-402. At intersections.
15-403. In school zones.
15-404. In congested areas.

15-401. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits in which cases the posted speed limit shall apply. (1985 Code, § 9-401)

15-402. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1985 Code, § 9-402)

15-403. In school zones. Generally, pursuant to Tennessee Code Annotated, section 55-8-152, the town shall have the authority to enact special speed limits based on an engineering investigation, shall not be less than fifteen (15) miles per hour, and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the town council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1985 Code, § 9-403)

15-404. 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

¹For the special speed limit governing motorcycles and other motor driven cycles, see section 15-305 of this code.

of any posted speed limit when such speed limit has been posted by authority of the town. (1985 Code, § 9-404)

CHAPTER 5

TURNING MOVEMENTS

SECTION

15-501. Generally.

15-502. Right turns.

15-503. Left turns on two-way roadways.

15-504. Left turns on other than two-way roadways.

15-505. U-turns.

15-501. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law. (1985 Code, § 9-501)

15-502. 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. (1985 Code, § 9-502)

15-503. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1985 Code, § 9-503)

15-504. 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. (1985 Code, § 9-504)

15-505. U-turns. U-turns are prohibited. (1985 Code, § 9-505)

CHAPTER 6

STOPPING AND YIELDING

SECTION

- 15-601. Upon approach of authorized emergency vehicles.
- 15-602. When emerging from alleys, etc.
- 15-603. To prevent obstructing an intersection.
- 15-604. At "stop" signs.
- 15-605. At "yield" signs.
- 15-606. At traffic-control signals generally.
- 15-607. At flashing traffic-control signals.
- 15-609. At pedestrian-control signals.
- 15-609. Stops to be signaled.

15-601. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle¹ 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 make 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. (1985 Code, § 9-601)

15-602. 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. (1985 Code, § 9-602)

15-603. 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. (1985 Code, § 9-603)

¹See this title, chapter 2, for provisions governing the operation of emergency vehicles.

15-604. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety. (1985 Code, § 9-604)

15-605. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1985 Code, § 9-605)

15-606. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1985 Code, § 9-606)

15-607. At flashing traffic-control signals. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

(1) 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.

(2) 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. (1985 Code, § 9-607)

15-608. 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 town, 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. (1985 Code, § 9-608)

15-609. 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, except in an emergency. (1985 Code, § 9-609)

CHAPTER 7

PARKING

SECTION

- 15-701. Obstructing traffic prohibited.
- 15-702. Position of parking generally.
- 15-703. Angle parking.
- 15-704. Parking on one-way streets.
- 15-705. Overnight parking within a business district and on other public streets and places.
- 15-706. Prohibited purposes for parking.
- 15-707. Occupancy of more than one parking space.
- 15-708. Prohibited parking locations generally.
- 15-709. Loading and unloading zones.
- 15-710. Presumption with respect to illegal parking.
- 15-711. Parking of recreational vehicles.

15-701. Obstructing traffic prohibited. No person shall park a vehicle in such a manner as to block, hinder or retard the orderly movement of traffic. (1985 Code, § 9-701)

15-702. Position of parking generally. Except as otherwise expressly provided, every vehicle parked upon a street within the town 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. (1985 Code, § 9-702)

15-703. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1985 Code, § 9-703)

15-704. Parking on one-way streets. On one-way streets where the town has not placed signs prohibiting such parking, 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. (1985 Code, § 9-704)

15-705. Overnight parking within a business district and on other public streets and places. Notwithstanding anything else in this chapter to the contrary, no person shall park or leave a vehicle parked on any public street or alley within a business district 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. (1985 Code, § 9-705)

15-706. Prohibited purposes for parking. No person shall wash, grease, display for sale or work on any vehicle, except to make repairs necessitated by an emergency, while the vehicle is parked on a public street. (1985 Code, § 9-706)

15-707. Occupancy of more than one parking space. No person shall park a vehicle in any designated space so that any part of the vehicle occupies more than one (1) such space or protrudes beyond the official marking on the street or curb designated the space unless the vehicle is too large to be parked within a single, designated space. (1985 Code, § 9-707)

15-708. Prohibited parking locations generally. No person shall park a vehicle in violation of any sign placed or erected by the town, nor at any of the following locations:

- (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 town.
- (12) No person shall park a school bus, construction truck, dump truck, coal truck, any motor vehicle with a Federal gross vehicle weight rating of ten thousand (10,000) pounds, or more (as determined by the manufacturer), large van, or commercially-marked (other than the vehicle manufacturer and dealer) van or pick-up truck in any designated residentially zoned area within the Town of Signal Mountain longer than is needed on a service call to the adjacent property, excepting a property resident who is routinely visiting his home for a short period of time during the day, provided that (a) the commercially-marked (business marking other than the vehicle manufacturer and dealer) pickup truck or van may be parked in a garage, behind a fence, or otherwise out of sight from a public road, and/or (b) any of the above mentioned vehicles may be parked in a residential zoned area for up to seven days each six months for purposes other

than service calls. (1985 Code, § 9-708; as amended by Ord. #93-17, § 1, Dec. 1993; and further amended by Ord. #95-10, § 1, Nov. 1995)¹

15-709. Loading and unloading zones. Between the hours of 7:00 A.M. and 7:00 P.M., no person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1985 Code, § 9-709)

15-710. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be prima facie presumption that the registered owner of the vehicle is responsible for the illegal parking. (1985 Code, § 9-710)

15-711. Parking of recreational vehicles. (1) On town streets. All motorized and non-motorized recreational vehicles and equipment, such as, but not limited to, motor homes, truck campers, travel trailers, tent trailer, camping trailers, motorized dwellings, semi-trailers, horse trailers, off-highway motor vehicles, all-terrain vehicles, tractors, boat trailers, or any other major recreational equipment shall not be parked on any public street, public right-of-way, public road shoulder, or private driveway in the town for a period of time longer than twenty-four (24) hours consecutively. Reasonable variances may be approved by the police chief for unusual temporary circumstances.

(2) On private property. When on private or residential property, such vehicles and equipment shall be parked only in the side or back yards unless terrain makes this impossible as determined by the town manager, appealable to the town council. Side yards are defined as the portions of the yard behind the forwardmost (to the street) portion of the residential building structure. (as added by ord. No. 91-8)

¹Ord. #95-10, in § 1 states "That Section Twelve (12) of Chapter Seven (7), Title Fifteen (15) of the Signal Mountain Municipal Code be amended so as to read as follows:" However, section 15-712 does not exist in the municipal code and it is clearly the intent of this ordinance to amend this subsection 15-708(12).

CHAPTER 8

ENFORCEMENT

SECTION

- 15-801. Impoundment of vehicles.
- 15-802. Issuance of traffic citations.
- 15-803. Citations for illegal parking.
- 15-804. Failure to obey citation.
- 15-805. Minimum fines.

15-801. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any vehicle which is illegally parked, abandoned or otherwise parked so as to constitute an obstruction or hazard to normal traffic. 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. 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 one dollar (\$1.00) per day shall also be charged. The fee for towing, impounding and storage is the responsibility of the owner of the impounded vehicle. (1985 Code, § 9-801)

15-802. Issuance of traffic citations. When a police officer halts a traffic violator other than for the purpose of giving a warning and does not take the person into custody under arrest, he shall take the name, address and operator's license number of the 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 town 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 the person from custody. (1985 Code, § 9-802)

15-803. Citations for illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this chapter the police officer finding the 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 a vehicle a citation for the driver or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1985 Code, § 9-804)

15-804. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving his 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. (1985 Code, § 9-805)

15-805. Minimum fines. All fines and penalties imposed by the town court shall be not less than the current amount on the schedule for each traffic violation as established by the town council. (1985 Code, § 9-806)

CHAPTER 9

ABANDONED VEHICLES

SECTION

- 15-901. Definitions.
- 15-902. Abandoned vehicles prohibited.
- 15-903. Vehicles to be removed.
- 15-904. Disposition of property.
- 15-905. Proceeds from sale.
- 15-906. Violation.

15-901. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(2) "Motor vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices used exclusively upon stationary rails or tracks.

(3) "Street or highway" shall mean the entire width between the boundary lines of every public right of way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(4) "Property" shall mean any real property within the town which is not a street or highway or public right-of-way.

(5) "Inoperable motor vehicle" shall mean any motor vehicle, at the time a summons is issued for violation of this article, that:

(a) Has major or essential mechanical or auto body parts missing, or

(b) Is wrecked, junked or partially disassembled, or

(c) Is burned throughout, or

(d) Cannot be started and driven legally upon the public streets, (because of a broken down engine, transmission, brakes, lights or other essential car parts in a non-working condition), or does not have a current up-to-date license plate displayed upon the vehicle, or

(e) Meets any one or more of the following:

(i) Has one or more tires not inflated, or

(ii) Has more than one broken window, or

(iii) Is economically impractical to restore to operating condition, or

(iv) Has any visibly rusted areas, or

(v) Has not been moved within one month. (Ord. # 87-5, May 1987, as amended by Ord. #2000-1, Jan. 2000)

15-902. Abandoned vehicles prohibited. (1) No person shall abandon any vehicle within the town, and no person shall leave any vehicle at any place within the town, for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(2) No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street, alley or highway within the town, or on any public right of way.

(3) No person in charge of control of any property within the town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially or wholly dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than 72 hours; except that this chapter shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner in the town or other governmental authority. (Ord. # 87-5, May 1987)

15-903. Vehicles to be removed. The public safety director is hereby authorized and empowered to give notice to the owner or person in possession or control of any premises in the Town of Signal Mountain, Tennessee, on which there is located an inoperable motor vehicle or non-motorized vehicle junk in violation of this chapter, which said notice shall direct said person to appear before the Municipal Court of the Town of Signal Mountain, Tennessee, at a time and place to be fixed in said notice, and then and there show cause why the said inoperable motor vehicle or non-motorized vehicle junk should not be declared a nuisance, and an order issued requiring the same to be removed and impounded.

Said notice shall be in substantially the following form:

NOTICE

To the owner or person in possession or control of the following described property located in the Town of Signal Mountain, Tennessee:

Names and Addresses

You are hereby notified that there exists on the above-mentioned property an inoperable motor vehicle or non-motorized vehicle junk

(Description of Vehicle)

in violation of Chapter 9 of the Town of Signal Mountain, Tennessee, Code of Ordinances.

You are further notified that a hearing will be conducted by the municipal judge of the Municipal Court of the Town of Signal Mountain, Tennessee, at the courtroom for said court in the Town of Signal Mountain, Tennessee, at ___ o'clock, ___ M., on the ___ day of _____, _____, at which time and place you are directed to appear and show cause, if any you have, why the said automobile or vehicle should not be declared a nuisance and an order issued requiring same to be removed and impounded.

The notice provided for in the foregoing paragraph shall be served upon the owner or person in possession or control of said property, if he is known and can be found within the Town of Signal Mountain, Tennessee, but if such person is not known or cannot be found within the Town of Signal Mountain, Tennessee, service of said notice shall be effected by posting one copy thereof on the premises where the said inoperable motor vehicle or non-motorized vehicle junk is found. The notice herein provided for shall be served or posted, as the case may be, at least five (5) days before the date fixed for hearing before the municipal judge.

At the time and place appointed in the notice provided for in the paragraph herein, the judge shall conduct a hearing for purposes of determining whether the said vehicles complained of exists in violation of this chapter, and if he finds that same constitutes a violation of this chapter, he shall so declare the same and make an order requiring the removal of said inoperable motor vehicle or non-motorized vehicle junk within five (5) days from the making of said order. Court costs shall be assessed by the court in any case in which a violation exists at the time the notice was given. The court may dismiss the case on payment of court costs if a finding is made that a violation of the chapter, existing at the time of the notice, has since been remedied by the owner or person in possession or control of the inoperable motor vehicle or non-motorized vehicle junk.

The owner or person having possession or control of any premises on which there exists an inoperable motor vehicle or non-motorized vehicle junk in violation of this chapter, who having been personally served with the notice provided for in the paragraph hereof, who shall fail to comply with the order of the municipal judge requiring the removal of said inoperable motor vehicle or non-motorized vehicle junk, shall be guilty of violation of this chapter, and on conviction shall be punished as provided herein. (Ord. #87-5, May 1987, as amended by Ord. #2000-1, Jan. 2000)

15-904. Disposition of property. In the event the court declares such auto, vehicle or vehicle junk to be a nuisance and that it be removed within five (5) days after the date of this order, the public safety director shall remove said property from the place it is found as ordered by the court. Any property so taken up and removed shall be stored in a suitable place provided by the town.

A permanent record giving the date of the taking of the property, the place where found and taken, and a description of the property shall be kept by the public safety director.

All unclaimed personal property which comes into the possession of the public safety director shall, if it remains unclaimed for a period of sixty (60) days thereafter, be delivered to the town manager to be forfeited and disposed of by him. The town manager, before selling same, shall make every reasonable effort to give actual notice to the owner thereof if such has not been done by the department that came into possession of same.

At intervals during each year, the town manager shall hold a public sale of unclaimed personal property delivered to him. Notice of sale, giving the time and place, shall be by advertisement at least once in a daily newspaper published in the town at least ten (10) days prior to the time set for the sale. Such sale shall be made at public auction to the highest bidder for cash, and shall be conducted by the town manager or some person designated by him. The town manager shall keep a list of all articles sold and the price for which each article was sold.

The owner of any property taken up and stored as herein provided may redeem the same at any time prior to its sale by paying the reasonable expense of taking the property in charge, its maintenance and storage and the cost of any publication made regarding said property. (Ord. #87-5, May 1987, as amended by Ord. #2000-1, Jan. 2000)

15-905. Proceeds from sale. (1) The money received from the sale of unclaimed personal property, as provided in this chapter, shall be paid by the town manager into the town treasury, and he shall certify the expense incurred in making the sale or otherwise disposing of such personal property, including the cost and expense of storage during the period such personal property was in possession of the town.

(2) If the owner of any article of personal property sold shall, within a period of sixty (60) days after the sale, present satisfactory proof to the town that he was the owner of any article sold, he shall be entitled to the proceeds of the sale thereof, less the expenses of the sale.

(3) The money arising from sales of unclaimed personal property which had been in the possession of the public safety director shall be kept in a separate account by the town manager and, at the end of the fiscal year, the town manager shall pay the net amount of these proceeds into the general fund of the town. (Ord. #87-5, May 1987, as amended by Ord. #2000-1, Jan. 2000)

15-906. Violation. Any person violating any of the provision of this chapter shall be punished by a fine of not less than \$10.00 nor more than \$50.00. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such. (Ord. # 87-5, May 1987)

CHAPTER 10

VEHICLE ACCESS TO LOTS

SECTION

- 15-1001. General conditions/requirements.
- 15-1002. Access plan.
- 15-1003. Design criteria.
- 15-1004. Required off-street parking.

15-1001. General conditions/requirements. (1) Submission of plan for approval. The location and design of driveways and/or accesses providing vehicular access from arterial, secondary and minor roads to any existing undeveloped lot, and lots proposed for creation by the subdivision of property in all zoning districts shall be specified in an access plan submitted by the applicant to the town manager or his designee for review and approval provided, however, that access to arterial roads shall be subject to approval by the town council. No curbs or rights-of-way shall be cut, paved or otherwise altered until written approval of the access plan has been secured from the town manager or his designee and any other governmental agency owning or controlling the road right-of-way.

(2) Traffic impact study. The town manager or his designee may require a traffic impact study by a qualified registered professional engineer to assess the traffic impacts of a proposed access to the adjoining and nearby public roadways and intersections when the expected number of trips generated by the proposed building or land use exceeds an estimated 300 vehicle trips per day.

Unless otherwise specified by the town manager or his designee, the study shall address trip generation and directional distribution, traffic assignment to roadways and access locations, 24 hour and peak hour traffic forecasting (non-site and on-site), capacity analysis and level of service for adjoining roadways and nearby intersections before and after the proposed development, and recommendations for roadway improvements and traffic control modifications. All traffic data used in the study shall be consistent with land use and density data as referenced in Trip Generation, Fourth Edition, 1987, published by the Institute of Transportation Engineers, or the latest subsequent edition; current town and state traffic counts for surrounding public roadways; and the marketing study for the proposed building or land use.

(3) Approval for specific land use. The approval of any access hereunder shall be approval of access for the land use(s) specified in the access plan and any change in such land use(s) that would increase traffic and impact the safe and efficient flow of traffic shall require a new approval of access.

(4) Expiration of approval. Any access approved hereunder shall be constructed within six (6) months of approval or such approval shall terminate.

(5) Bond requirements. Prior to issuing any written approval of the access plan, an applicant will be required to provide an insurance performance policy from a company acceptable to the town manager indicating that it is insured, naming the town as an additional insured, and agreeing to indemnify and hold the town harmless from all claims of personal injury or property damage which may arise from or out of the performance of any work in accordance with the access plan, whether such performance be by the applicant, a contractor or subcontractor, or anyone employed by such contractor or subcontractor. Such insurance shall cover general liability for work performed in accordance with the access plan, general liability for equipment performing any changes to access to the roadway in accordance with the access plan and shall include protection against liability arising from completed operations. The minimum amount of liability insurance for bodily injury by the applicant shall be an amount not less than \$130,000 for each person and \$350,000 for each accident and for property damages in an amount not less than \$50,000.

(6) Prohibition of unsafe access. Notwithstanding any other provisions of this code to the contrary, any access may be denied which would constitute a threat or danger to the public and/or affect the safe and efficient flow of traffic when judged by commonly accepted and applied traffic engineering principles. (As added by Ord. #98-5, March 1998)

15-1002. Access plan. An access plan is required for each new building or use of land. Such an access plan may be submitted by the applicant as a part of the off-street parking lot site plan, or in the case of issuance of a residential building permit, such information may be included on the site or plot plan. Such plan shall specify the intended use(s) of the property.

(1) For commercial, industrial, office, institutional and apartment complex projects. The access plan, minimally drawn to a scale of 1 inch equals 50 feet, shall be submitted to the town manager or his designee. The plan shall denote the location of the driveway on the lot and length of all property lines abutting the public road; distances from intersections (centerline of intersection to centerline of driveway); areas proposed for roadway construction on the right-of-way including the width and length of driveways and deceleration lanes, radius of curves, typical pavement section, type of concrete curbs and any relocation of sidewalks; location of existing overhead and underground utilities, hydrants and drainage structures and any proposed relocations; road improvements proposed for dedication to the town and specific actions to be taken by the contractor to maintain safe driving conditions during roadway construction.

(2) For residential housing. The access plan for residential use exclusive of apartment complexes shall include the following information: proposed location of driveway on the lot from the side property line, length of all property lines abutting public streets, length and width of driveway from edge of public street pavement and location of existing overhead and on-grade

utilities, hydrants and drainage structures. (As added by Ord. #98-5, March 1998)

15-1003. Design criteria. The following minimum standards shall apply in the design of driveways to arterial roads and other public roads:

(1) Number of driveways permitted. Access to an arterial, secondary or minor road shall be provided to any lot either by means of a marginal frontage road, shared access easement, or direct access way.

Where the use of marginal frontage roads or the provision of common access easements to serve multiple lots with different ownership is unavailable or deemed unnecessary, there shall be no more than one driveway to any one arterial roadway from any lot with less than 400 feet of frontage on that roadway.

Lots having between 400 feet and 600 feet of frontage on any arterial roadway may have a second driveway to that roadway provided that, in the opinion of the town manager or his designee, an additional driveway is justified based on trip generation or topography and that the impact to traffic on the roadway is minimal.

Lots having more than 600 feet of frontage to any one arterial roadway may have more than two driveways provided that, in the opinion of the town manager, or his designee, additional driveways are justified based on trip generation or topography and that the impact to traffic on the roadway is minimal.

All driveways serving the same lot shall be a minimum of 200 feet apart, measured from the centerline to centerline of the two driveways.

Secondary and minor roads. There shall be no more than one driveway to a secondary or minor road from any lot with 300 feet or less of frontage on that roadway except for duplex (two unit) residential units which shall be permitted no more than two (2) driveways on the lot.

Lots having more than 300 feet of frontage to any secondary or minor road may have more than two driveways provided that, in the opinion of the town manager or his designee, additional driveways are justified based on trip generation or topography and that the impact to traffic on the roadway is minimal.

(2) Minimum distance from intersection. No driveway to an arterial road shall be established within one hundred and twenty-five (125) feet of an intersecting road. On secondary and minor roads, no driveway shall be established within seventy-five (75) feet of an intersecting road. Measurements shall be made along the edge of the pavement from the nearest point of tangency of the curve of the intersecting road pavement to the nearest point of radius return of the driveway.

(3) Minimum distance between driveways on separate lots. No two driveways serving separate lots on an arterial road shall be less than two hundred and fifty (250) feet apart.

On secondary and minor roads and in all zoning districts except one-family residential and R-2, two-, three-, four family residential, no two driveways serving separate lots shall be less than twenty (20) feet apart. The distance between driveways shall be measured from the nearest point of the radius return of the two driveways.

The minimum separation distance may be reduced provided that, in the opinion of the town manager or his designee, using commonly accepted and applied traffic engineering principles, the following conditions exist:

- (a) Where the use of marginal frontage roads or shared access easements are not feasible or possible;
- (b) Where exceptional topographic constraints or unusual site conditions at the driveway location (such as in-place utility or drainage features) would make application of the standard exceptionally and/or practically difficult or unduly harsh;
- (c) Where application of this article would conflict with other sections of this article;
- (d) Where such reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

DESIGN CRITERIA
NUMBER OF DRIVEWAYS

(4) Minimum distance from property line. No driveway, other than a shared driveway as authorized under subsection 8., Shared Access Easements, below, shall be allowed within ten (10) feet of the intersection of a straight line projection of any side or rear lot line and the nearest point of radius return of the driveway, except for single or double parking spaces for use in one-family, residential and two-, three- and four-family residential zoning districts.

(5) Deceleration lanes. Approval of a driveway to an arterial road may be conditioned upon construction of a deceleration lane. Such lanes may be required in conjunction with each driveway to secondary and minor roads where a proposed building or land use will increase traffic volumes on the existing road to a total in excess of 3,000 vehicles daily. The deceleration lane, a minimum of twelve (12) feet in width, shall be constructed to town standards with the length measured from the centerline of the driveway according to the following criteria:

Posted Speed Limit	Minimum Deceleration Lane	
	Length of Taper	Total Length
35 mph or less	125'	200'
40 to 45 mph	150'	250'
50 to 55 mph	175'	300'

The minimum dimensions of the deceleration lane may be reduced, provided that, in the opinion of the town manager or his designee, using commonly accepted and applied traffic engineering principles, the following conditions exist:

(a) Where exceptional topographic constraints or unusual site conditions at the driveway location such as in-place utility or drainage features which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh.

(b) Where such reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

(6) Left turn storage lane. Approval of a driveway to an arterial road which does not have an exclusive left turn storage lane may be conditioned upon construction of a left turn storage lane. Such lanes may be required in conjunction with each driveway to secondary and minor roads where a proposed land use will increase traffic volume on the existing road to a total in excess of 3,000 vehicles daily. The left turn storage lane, a minimum of twelve (12) feet in width, shall be constructed to town standards with the minimum storage length established according to the following criteria:

MINIMUM DISTANCE FROM INTERSECTION

MINIMUM DISTANCE BETWEEN DRIVEWAYS ON SEPARATE LOTS

MINIMUM DISTANCE FROM PROPERTY LINE

Projected Peak Hour Left Turning Movements (Vehicles)	Minimum Storage Length Required
Less than 30	No requirement
30-59	25'
60-89	50'
90-119	75'
120-149	100'
150-179	125'
180-209	150'
Above 210	Prorated using above lengths as guideline

Each left turn storage lane shall be required to have sufficient paved approach and transition return tapers constructed to town standards in accordance with commonly accepted and applied traffic engineering principles.

Any vehicle trip generation and directional distribution data submitted shall be consistent with traffic data for similar projects as referenced in Trip Generation, Fourth Edition, 1987, published by the Institute of Transportation Engineers, or the latest subsequent edition.

(7) Marginal frontal roads. Marginal frontage roads to driveways, 24 feet in width for two 12-foot traveling lanes, may be required in all zoning districts, except one-family residential, R-2, two-, three-, four-family residential. Such marginal frontage roads shall be located on the public right-of-way adjacent and parallel to the full length of contiguous through roads and/or on private property which may be dedicated as future public right-of-way. Such marginal frontage roads shall be constructed to town standards and in a manner so as to be separated at least 20 feet from the existing roadway except at permitted driveway entrances or where otherwise specified by the town manager or his designee. The length of the driveway from the through road to a marginal frontage road shall be a minimum of 25 feet between the edge of pavement of the two roads. The requirement for a marginal frontage road:

(a) Where a proposed or anticipated future subdivision of property will or may create three or more lots of less than two acres each with frontage to an arterial road, or

DESIGN CRITERIA
DECELERATION LANES

DESIGN CRITERIA
MARGINAL FRONTAGE ROADS

DESIGN CRITERIA
SHARED ACCESS EASEMENTS

(b) In other situation where, considering commonly accepted and applied traffic safety principles, such is necessary to ensure the safe and efficient flow of traffic.

(8) Shared access easements. In the resubdivision of property, the planning commission may require the formal establishment of private property driveway easements or may impose other conditions that require multiple lots or parcels to have shared vehicle access locations to arterial, secondary and minor roads where, in accordance with commonly accepted and applicable traffic engineering principles, such is necessary to provide for the safe and efficient flow of traffic upon such streets.

(9) Driveways-minimum length/restrictions. All driveways for commercial, industrial, office, institutional and apartment complexes must extend a minimum of 20 feet into the property from the lot line abutting the public road before the edge of the driveway may be intersected by a parking lot space, aisle, or drive. The minimum length of this restricted driveway may be extended where, in the opinion of the town manager or his designee, anticipated traffic volumes and commonly accepted and applied traffic engineering principles justify the need for longer, controlled storage lanes.

(10) Boulevard-type driveways. Boulevard-type driveways in which ingress and egress lanes are separated by a minimum six-inch raised concrete curb median may exceed the maximum two-way width provided the individual ingress or egress lane does not exceed the limits of one-way access width and the median does not exceed 14 feet in width.

(11) Driveways-width requirements. The widths of driveways, measured at the nearest points of the radius return, shall meet the following requirements:

Use	Driveway Width	
	Min.	Max.
Office, Commercial, Institutional Apartment Complexes:		
One-way Traffic	15 ft.	20 ft.
Two-way Traffic	25 ft.	30 ft.
Industrial		
One-Way Traffic	15 ft.	25 ft.
Two-Way Traffic	25 ft.	40 ft.

DESIGN CRITERIA
DRIVEWAYS - MINIMUM LENGTH

Driveways to commercial, office or institutional developments may exceed the maximum width stated herein, provided that, in the opinion of the town manager or his designee,

(a) The need to provide safer turning movements for truck traffic to or from such property and/or

(b) The number of trips generated to or from such property justifies the need for additional access width.

(12) Radius of driveway curve. The radius of curve connecting the edge of the deceleration or acceleration lane or through-traffic lane and edge of driveway shall meet the following requirements:

Use	Radius of Curve	
	Min.	Max.
Office, Commercial, Institutional, Apartment Complexes:		
To Arterial Roads	15 ft.	25 ft.
Secondary and Minor Roads	10 ft.	20 ft.
Industrial		
To Arterial Roads	20 ft.	30 ft.
Secondary and Minor Roads	15 ft.	25 ft.

The radius of the driveway curve to residential, commercial, office or institutional developments may exceed the maximum length stated herein, provided that, in the opinion of the town manager or his designee,

(a) The need to provide safer turning movements for automobile and truck traffic to or from such property and/or

(b) The number of trips generated to or from such property justifies the need for additional radius length.

(13) Pavement markings, signage. Driveways with more than one ingress or egress lane shall have the pavement surface marked with center lines, lane lines, channelizing lines, stop lines, and symbol arrows plus traffic control signage in accordance with the requirements of the Manual on Uniform Traffic Control Devices, Tennessee Department of Transportation, Traffic Engineering Division, 1988, or subsequent revisions. (As added by Ord. #98-5, March 1998)

15-1004. Required off-street parking. (1) Required compliance. Off-street parking shall be provided for all buildings and land uses erected or established after enactment of these regulations in accordance with the standards of this section. No building or land use shall be occupied or

established until the town manager issues a certificate of occupancy which certifies that all provisions of this section of this chapter are satisfied. (As added by Ord. #98-5, March 1998)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. GENERAL.
2. BUILDING NUMBERING.
3. EXCAVATIONS AND CUTS.
4. CURB AND SIDEWALK CONSTRUCTION AND MAINTENANCE.

CHAPTER 1

GENERAL

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Removal of weeds and trees overhanging sidewalks.
- 16-104. Trees, etc., obstructing view at intersections prohibited.
- 16-105. Littering streets, alleys, or sidewalks prohibited.
- 16-106. Obstruction of drainage ditches.
- 16-107. Abutting owners, occupants to keep sidewalks clean, and unobstructed.
- 16-108. Parades, etc.
- 16-109. Animals and vehicles on sidewalks.
- 16-110. Joggers and pedestrians during certain hours.
- 16-111. Opening streets, alleys, and sidewalks without permission is prohibited.

16-101. Obstructing streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge or public ground in such a manner as to prevent, obstruct or interfere with the free passage of pedestrian or vehicular traffic thereon.

Furthermore, 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. (1985 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property

¹Selected charter reference: authority to open and administer public ways - sec. 15.

See title 15 in this code for related motor vehicle and traffic regulations.

to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1985 Code, § 12-102)

16-103. Removal of weeds and trees overhanging sidewalks. It shall be the duty of each and every owner and occupant of property within the town, in front of or along which is a sidewalk, to remove all weeds, shrubbery or branches of trees that may be over the sidewalks that obstruct the free use and passage of the sidewalks or any portion thereof, within five (5) days after receiving written notice therefor from the town. (1985 Code, § 12-103)

16-104. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1985 Code, § 12-104)

16-105. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, trash, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (Ord. # 86-1, March 1986)

16-106. 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.

For the construction, reconstruction, modification, or repair of all driveways which cross a drainage ditch in the town right-of-way, the public works department shall inspect and approve the driveway culvert for size, location and material. (1985 Code, § 12-106, as replaced by Ord. #96-4, § 1, May 1996)

16-107. Abutting owners, occupants to keep sidewalks clean and unobstructed. Each owner or occupant in the town, in front of or along which there is a sidewalk, shall keep such sidewalk clean and unobstructed, except for such obstructions as are permitted by this code or other ordinance. Each such owner or occupant shall cause the removal at once of all accumulations of mud, filth, snow and ice and every other substance or thing which may constitute an obstruction or impediment to pedestrians, and every thing in the nature of a nuisance. (1985 Code, § 12-107)

16-108. Parades, etc. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first

securing a permit from the town. No permit shall be issued by the town unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1985 Code, § 12-108)

16-109. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1985 Code, § 12-109)

16-110. Joggers and pedestrians during certain hours. It shall be unlawful for any jogger or other pedestrian within the town limits of the Town of Signal Mountain, Tennessee, to walk, jog or run upon public streets during the period beginning one hour before sunset until sunrise, or during daylight hours when visibility is restricted to less than three hundred (300) feet by fog or inclement weather, unless such person's clothing shall include reflectorized areas not less than one square foot each in area on the chest and on the back of such person which shall be visible from all distances from fifty (50) feet to three hundred (300) feet from the front and to the rear when directly in front of lawful upper beams of headlamps on motor vehicles; provided, however, that this section shall not be construed so as to prohibit any person from walking, jogging or running upon the public streets without reflectorized clothing during the hours specified above when such person is traversing a distance of three hundred (300) feet or less upon the public streets; provided that this section shall not be interpreted to require reflectorized clothing on pedestrians on public sidewalks during the hours specified. (1985 Code, § 12-110)

16-111. Opening streets, alleys, and sidewalks without permission is prohibited. It shall be unlawful for any person, corporation, or legal entity to open any road, street, alley, sidewalk, trail or other right-of-way in the limits of the Town of Signal Mountain, without first submitting a plan of same to the Signal Mountain Planning Commission for recommendation to the town council and receiving approval of the town council. (Ord. # 87-2, March 1987)

CHAPTER 2

BUILDING NUMBERING

SECTION

16-201. Buildings required to be numbered.

16-202. Number visibility required.

16-203. Unnumbered buildings to be numbered by town at owner's expense.

16-201. Buildings required to be numbered. All buildings in the town shall display the proper building numbers thereof, which numbers shall be designated by the town. (1985 Code, § 12-201)

16-202. Number visibility required. All numerals used to number buildings as required by section 16-201 above shall be so placed as to be clearly visible from the street. (1985 Code, § 12-202)

16-203. Unnumbered buildings to be numbered by town at owner's expense. Any building not numbered in accordance with the provisions of this chapter upon notice from the town therefor, shall be numbered by the town at the owner's expense. (1985 Code, § 12-203)

CHAPTER 3¹EXCAVATIONS AND CUTS²

SECTION

16-301. Permit required.

16-302. Applications.

16-303. Fee.

16-304. Deposit or bond.

16-305. Manner of excavating--barricades and lights--temporary sidewalks.

16-306. Restoration of streets, etc.

16-307. Insurance.

16-308. Time limits.

16-309. Supervision.

16-301. Permit required. It shall be unlawful for any person, firm, corporation, association, or others to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1985 Code, § 12-301)

16-302. Applications. Applications for such permits shall be made to the commissioner of streets, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹See also title 12, chapter 7 for Site Preparation, Excavation, and Grading Code.

²Sections 16-301 through 16-309 in this chapter were patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the commissioner/superintendent of streets within twenty-four (24) hours of its filing. (1985 Code, § 12-302)

16-303. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1985 Code, § 12-303)

16-304. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the comptroller a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the superintendent of streets/commissioner of streets may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the town comptroller a surety bond in such form and amount as the superintendent of streets/commissioner of streets shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1985 Code, § 12-304)

16-305. 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. (1985 Code, § 12-305)

16-306. 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 town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the commissioner of streets/superintendent of streets 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 town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1985 Code, § 12-306)

16-307. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the superintendent of streets 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. (1985 Code, § 12-307)

16-308. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the superintendent of streets. (1985 Code, § 12-308)

16-309. Supervision. The superintendent of streets shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1985 Code, § 12-309)

CHAPTER 4

CURB AND SIDEWALK CONSTRUCTION AND MAINTENANCE

SECTION

- 16-401. When owner/occupant to repair sidewalk.
- 16-402. Specifications for construction and repair; permit required.
- 16-403. Failure to repair; notice authorized.
- 16-404. Notice where owner unavailable; no agent and property deserted.
- 16-405. Failure to comply with notice.
- 16-406. Failure to comply with work.
- 16-407. Liability of the abutting owner for injuries to persons.
- 16-408. Action by Town of Signal Mountain for judgments against it.

16-401. When owner/occupant to repair sidewalk. When any sidewalk becomes out of repair or in any manner defective, whether in the bed, pavement, or curbing thereof, the owner/occupant or agent shall cause such sidewalk to be reconstructed or put in good repair according to specifications required by the Town of Signal Mountain as to grade, dimensions, and character of said sidewalks or curbing or gutter and pavements, the material of which they shall be constructed and the manner in which they shall be laid. (as added by ord. No. 91-5)

16-402. Specifications for construction and repair; permit required. The type of repairs to existing sidewalks shall be such as may be prescribed and approved by the town council. The owner/occupant or agent in charge of the property where such work is to be done shall apply to the town manager for specifications and instructions setting forth the manner in which the work shall be performed and for a permit authorizing such work and in doing such work shall conform to the specifications and instructions required by the Town of Signal Mountain. (as added by ord. No. 91-5)

16-403. Failure to repair; notice authorized. If the owner/occupant or agent fails or refuses to reconstruct or repair any required sidewalk or curbing, the town manager may direct the issuance of a written notice by registered mail with return receipt requested or personal delivery to the owner/occupant or agent if the owner is a non-resident, unknown, or cannot be located, requiring that the necessary work be done. (as added by ord. No. 91-5)

16-404. Notice where owner unavailable; no agent and property deserted. If the owner is a non-resident, unknown, or cannot be located and there is no known agent therefore and the property is not occupied, the notice shall be posted for at least five (5) days on such lot or property. (as added by ord. No. 91-5)

16-405. Failure to comply with notice. Failure or refusal by the owner, occupant, or agent, if the owner cannot be notified, to commence such necessary work within ten (10) days of the receipt or posting of such notice shall be unlawful and each day thereafter shall constitute a separate violation. (as added by ord. No. 91-5)

16-406. Failure to complete work. Failure or refusal to complete such necessary work according to specifications and instructions after it has once been commenced shall be unlawful.

If after proper written notice the owner/occupant, or agent fails or refuses to reconstruct or repair any sidewalk or curbing, then the town manager may contract for such construction or repair and pay for the same. The amount so paid shall constitute a lien on the lots or property belonging to such owners upon or along which said sidewalk or curbing or gutter or pavement may be constructed, which liens may be enforced by attachment, in law or in equity, prosecuted in the name of the Town of Signal Mountain; or the Town of Signal Mountain may sue for and recover the amount so paid from said property owners in any court having jurisdiction of such causes of action; provided, however, that the said Town of Signal Mountain by and with the consent of the property owners affected, instead of proceeding as herein before prescribed for the recovery of the amounts expended in the construction or repair of sidewalks or gutters or curbing as aforesaid, may divide the amount so expended on each lot or piece of property into equal installments not less than two (2) nor more than five (5) in number and required that one (1) installment shall be paid each year along with and as part of the taxes on said property until all said installments are paid; and in that event, each of said installments shall draw interest at the rate of ten (10%) percent per annum from the date of the payment by the Town of Signal Mountain of the expense of such construction or repair. (as added by ord. No. 91-5)

16-407. Liability of the abutting owner for injuries to persons. In all instances of injury to persons resulting from negligently unsafe and defective conditions in the sidewalk, the construction of which or the repair of which the abutting property owner or his agent has been notified to effectuate in the manner heretofore provided more than five (5) days before the happening of such injury, the abutting property owner shall be liable in damages. (as added by ord. No. 91-5)

16-408. Action by Town of Signal Mountain for judgments against it. If any judgment is obtained against the Town of Signal Mountain as a result of negligently defective conditions of the sidewalk, guttering, or curbing owing to personal injuries received by any person more than five (5) days after the service of the notice, the town attorney shall institute proper legal proceeding against

such property owner for the recovery over the amount of any such judgment. (as added by ord. No. 91-5)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Definitions--premises to be kept clean.
- 17-103. Storage.
- 17-104. Placement of containers for collection.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Sale of useable scrap.
- 17-110. Leaves and grass clippings.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, grass clippings, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1985 Code, § 8-201, as amended by ord. No. 92-14)

17-102. Definitions--premises to be kept clean. (1) Definitions.

(a) "Debris." The remains of something broken or destroyed.

(b) "Rubbish." Something that is worthless, useless waste or rejected matter.

(c) "Unlawful clutter." Non-waste toys, tools, papers of every description, auto parts, furniture, appliances, discarded sand, broken limbs, discarded gravel, ashes, brick bats, tin cans, empty glass containers, trash, garbage, old firewood not neatly stacked, lumber, mattresses, building materials, yard maintenance items, usable items left in the yard for days at a time, discarded materials of every kind, all of which is left in front, back or side yards, not under roof, more than one week; or non-waste building material left in front, back or side yards for more than thirty days.

(2) Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from

accumulations of refuse except when stored as provided in this chapter. No person shall allow old automobiles, rusty iron, or vehicles of any type to accumulate on their property so as to create an unsightly nuisance. No person shall allow or leave any debris, rubbish, or unlawful clutter (as defined above) on their property for longer than the above-stated time periods. All yards, side, front and back must be kept clean as above outlined. (1985 Code, § 8-202, as amended by Ord. #98-10, April 1998)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. (1985 Code, § 8-203)

17-104. Placement of containers for collection. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, after sundown, the night before the calendar day of collection or on the calendar day of collection. By the end of the calendar day of collection, after such containers have been emptied, the containers shall be moved by the owner to a place on his premises behind the front building line, or if a corner lot behind a second building line for the second street frontage so garbage cans cannot be out on the street to the side of the house. (1985 Code, § 8-204, as replaced by Ord. #94-6, § 1, Aug. 1994; and further replaced by Ord. #95-13, § 1, Nov. 1995)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1985 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer

as the town council shall designate. Collections shall be made regularly in accordance with an announced schedule. (1985 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1985 Code, § 8-207)

17-108. Disposal. (1) The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the town council is expressly prohibited. No person shall place anything in or on the town sanitary landfill without the express permission of such officer as the town council shall designate.

(2) It shall be unlawful for any person not a resident of the town to throw or dump refuse upon any sanitary landfill owned or operated by the town.

(3) It shall be unlawful for any person engaged commercially in the collection or hauling of refuse to use the town dump without having a contract with the town for such use. (1985 Code, § 8-208)

17-109. Sale of useable scrap. The town shall take proper steps to bale scrap that can be used and that such scrap be processed and sold at the best market price obtainable. (1985 Code, § 8-209)

17-110. Leaves and grass clippings. All grass clippings to be picked up by the town shall be placed in plastic bags or any other approved containers on the curb of a public street of the Town of Signal Mountain.

Leaves may be placed in plastic bags, garbage cans and other approved containers or piled loose along the curb or side of any public road in the Town of Signal Mountain, Tennessee.

No leaves or grass clippings will be picked up from private driveways or private roads unless such areas are:

(1) Accessible (ingress and egress) to the standard equipment and crew which performs such work;

(2) The standard equipment's vehicles will not cause undue damage to the private road; and,

(3) All property owners on the private road sign waivers from pursuing damage claims from the town for damage to the private road or other private property traversed by the crew and equipment in providing such services. (as added by Ord. No. 92-13 and replaced by Ord. #97-3, April 1997)

TITLE 18

WATER AND SEWERS

CHAPTER

1. WATER AND SEWER ADMINISTRATION.
2. PUBLIC SEWER USE AND COST RECOVERY SYSTEM.
3. CROSS-CONNECTIONS, AUXILIARY INTAKES, BY-PASSES, ETC.
4. WATER SHORTAGE AND DROUGHT CONDITIONS.
5. SEPTIC TANK EFFLUENT PUMP (S.T.E.P.) SYSTEMS.
6. SEPTIC SYSTEMS OTHER THAN SEPTIC TANK EFFLUENT PUMP (S.T.E.P.) SYSTEMS.
7. STORMWATER RUNOFF REGULATION AND CONTROL.
8. STORMWATER UTILITY ORDINANCE.

CHAPTER 1

WATER AND SEWER ADMINISTRATION

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Application and contract for service.
- 18-104. Service charges for temporary service.
- 18-105. Meters.
- 18-106. Meter tests.
- 18-107. Schedule of rates.
- 18-108. Access to customer's premises.
- 18-109. Customer's responsibility for system's property.
- 18-110. Supply and resale of water.
- 18-111. Unauthorized use or interference with water supply.
- 18-112. Limited use of unmetered private fire line.
- 18-113. Damages to property due to water pressure.
- 18-114. Restricted use of water.
- 18-115. Interruption of service.
- 18-116. Water distribution installation restrictions.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1985 Code, § 13-101)

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

(2) "Household" means any two (2) or more persons living together as a family group. (1985 Code, § 13-102)

18-103. Application and contract for service. Each prospective customer desiring water and/or sewer 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 service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish 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 town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1985 Code, § 13-103)

18-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1985 Code, § 13-104)

18-105. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

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 town. 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. (1985 Code, § 13-105)

18-106. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The town 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 the amount stated in the following table:

<u>Meter</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1985 Code, § 13-106)

18-107. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.¹ (1985 Code, § 13-107)

18-108. Access to customer's premises. The town'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 town, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1985 Code, § 13-108)

18-109. 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 town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1985 Code, § 13-109)

18-110. Supply and resale of water. All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town. (1985 Code, § 13-110)

¹Administrative ordinances and resolutions are of record in the town hall.

18-111. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1985 Code, § 13-111)

18-112. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (1985 Code, § 13-112)

18-113. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1985 Code, § 13-113)

18-114. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1985 Code, § 13-114)

18-115. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1985 Code, § 13-115)

18-116. Water distribution installation restrictions. The following restrictions shall apply to water distribution installations within the Town of Signal Mountain water service area:

(1) Water service line definition. For the purpose of this section, a "water service line" shall be the water pipe which begins at the water meter and extends to a point within the foundation walls of the house, at which point a pressure regulator is placed.

(2) Water service line material. All water service line material shall be either type "L" or "K" copper pipe not be less than three quarter-inch (3/4"). Water service lines shall be covered with a minimum of twenty-four (24) inches of clean soil or other suitable material.

(3) Water service control. Each building shall have a separate water control valve, independent of the meter valve. Each apartment or store in a building shall have a separate independent control valve or individual fixture control valve controlling all the fixtures in such apartment or store. Main control valve(s) shall be located at or near the foundation line and shall be a minimum of three quarter-inch (3/4"), full flow gate or ball.

(4) Drain valve. Drain valve shall be installed on both hot and cold water distribution system at the lowest point for the purpose of winterization or repair of system. Drain valve shall be gate or ball and the same size as the line it drains.

(5) Demand load. The demand load in the building water service line shall be based on the number and kind of fixtures installed and the probable simultaneous use of these fixtures. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be sized to supply this flow.

(6) Sizing the water distribution system of a building. The sizing of the water distribution system shall conform to good engineering practice.

(7) Size of fixture supply. The minimum size of a fixture supply pipe from the rise or main to the wall opening shall be as follows:

<u>Type of Fixture or Device</u>	<u>Pipe Size (inches)</u>
Bath tubs	1/2
Hot tubs	3/4
Combination sink	1/2
Drinking fountain	3/8
Dishwater	1/2
Hot water heaters (hot & cold)	3/4 minimum
Washing machine	1/2
Laundry tub	1/2
Kitchen sinks, residential	1/2
Lavatory	1/2
Shower (single head)	1/2
Urinal (direct flush valve)	3/4
Water closet (tank type)	1/2
Water closet (flush valve type)	1
Hose bibbs	1/2

* A group of not more than two (2) fixtures shall be connected to a half-inch (1/2") cold water supply.

** Commercial, business and office district fixtures or devices and pipe size must be based on the required demand.

(8) Hazard and noise. Water pipe installations shall be adequately protected from water hammer by use of air chambers or other approved devices. Air chambers shall be installed in such manner that will permit draining without disconnecting fixture supply. Air chambers shall be not less than a 12-inch length of pipe one size larger than the pipe it serves or 18 inches on same size pipe serving the fixture.

(9) Water regulator and strainer. All water services shall have an approved water pressure regulator with a strainer conforming to A.S.S.E. 1003. (Ord. #87-6, May 1987, as amended by Ord. #95-16, § 1, Dec. 1995)

CHAPTER 2

PUBLIC SEWER USE AND COST RECOVERY SYSTEM

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Private domestic wastewater disposal.
- 18-205. Regulation of holding tank waste disposal.
- 18-206. Application for domestic wastewater and industrial wastewater permit.
- 18-207. Discharge regulations.
- 18-208. Industrial user monitoring, inspection reports, records access, and safety.
- 18-209. Enforcement and abatement.
- 18-210. Penalty; costs.
- 18-211. Fees and billing.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the Town of Signal Mountain, Tennessee, wastewater treatment system. The objectives of this chapter are:

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

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

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

This chapter shall apply to the Town of Signal Mountain, Tennessee, and to persons outside the town who are, by contract or agreement with the town users of the municipal wastewater treatment system. Except as otherwise provided herein, the director of public utilities of the Town of Signal Mountain shall administer, implement, and enforce the provisions of this chapter. (1985 Code, § 13-201)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases as used in this chapter, shall have the meanings hereinafter designated:

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

(2) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

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

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

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

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

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

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

(6) "Categorical standards." National categorical pretreatment standards or pretreatment standard.

(7) "Compatible pollutant." Shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

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

(9) "Control authority." The term "control authority" shall refer to the "approval authority" defined hereinabove; or the director of public utilities if the town has an approved pretreatment program under the provisions of 40 CFR, 403.11.

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

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

(12) "Director." The person designated by the town to supervise the operation of the publicly owned treatment works (POTW), and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(13) "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.

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

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

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

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

(18) "Incompatible pollutant." Shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. 1342).

(21) "Interference." The inhibition or disruption of the municipal wastewater treatment process or operations which contributes to a violation of

any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the solid waste disposal act (SWDA), the clean air act, the toxic substances control act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (C) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NDPES (Natural pollutant discharge elimination system)." Shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the federal water pollution control act as amended.

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

(25) "Person." Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

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

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

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

(29) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological

processes, or process changes other means, except as prohibited by 40 CFR section 40.36(d).

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly owned treatment works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plants, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town of Signal Mountain who are, by contract or agreement with the town users of the town's POTW.

(32) "POTW Treatment Plant." That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" is mandatory; "May" is permissive.

(34) "Slug." Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation of any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State." Means the State of Tennessee.

(36) "Standard industrial classification (SIC)." A classification pursuant to the standard industrial classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(37) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer or storm drain." Shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the director of public utilities.

(39) "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.

(40) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA (309(a)) or other acts.

(41) "Town." The Town of Signal Mountain or the Town Council, Town of Signal Mountain, Tennessee.

(42) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period

in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(43) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

(44) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Wastewater treatment systems." Defined the same as POTW.

(46) "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. (1985 Code, § 13-202)

18-203. Connection to public sewers. (1) Requirements for proper wastewater disposal.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the Town of Signal Mountain, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the Town of Signal Mountain any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in paragraph 18-203(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the building drain as defined herein.

(e) The owner of a manufacturing facility may discharge wastewater into the waters of the state provided that he obtains a NPDES permit and meets all requirements of the federal clean water act,

the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of paragraph 18-203(1)(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of section 18-206 of this chapter.

(2) Physical connection to public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the director of public utilities as required by section 18-206 of this chapter.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear buildings and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the director of public utilities to meet all requirements of this chapter. All others must be sealed to the specifications of the director.

(e) Building sewers shall conform to the following requirements:

(1) The minimum size of a building sewer shall be four (4) inches.

(2) The minimum depth of a building sewer shall be eighteen (18) inches.

(3) Four (4) inch building sewers shall be laid on a grade no less than 1/8 inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full at least 2.0 feet per second.

(4) Slope and alignment of all building sewers shall be neat and regular.

(5) Building sewers shall be constructed only of:

(a) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type.

(b) Cast iron soil pipe with leaded or compression joints.

(c) Polyvinyl chloride pipe with solvent welded or with rubber compression joints.

(d) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type.

(e) Such other materials of equal or superior quality as may be approved by the director. Under no circumstances will cement mortar joints be acceptable.

(6) A cleanout shall be located three (3) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(7) Connections of building sewers to the public sewer system shall be made 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 services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the director. All such connections shall be made gastight and watertight.

(8) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

All sewer grinder pumps, to elevate sewage, shall be placed, or located, outside, and away from, any building or structure.

(9) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirement of the building and

plumbing code or other applicable rules and regulations of the town or to the procedures set forth in the appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(10) An installed building sewer shall be gastight and watertight.

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

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

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the director or his authorized representative.

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

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the director to meet specifications of the town. (1985 Code, § 13-203, as amended by ord. No. 92-15)

18-204. Private domestic wastewater disposal.

(1) Availability. (a) Where a public sanitary sewer is not available under the provisions of section 18-202(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain in below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in section 18-203, the owner shall provide a private sewage pumping station as provided in section 18-203(2)(e)(8).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Hamilton County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Hamilton County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Hamilton County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Hamilton County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Hamilton County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Hamilton County Health Department.

(d) The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Tennessee and the Hamilton County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Hamilton County Health Department. (1985 Code, § 13-204)

18-205. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the director to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the director when the conditions of this chapter have been met and providing the

director is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the town to be set as specified in section 18-211. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable.

(3) Designated disposal location. The director shall designate approved locations for the emptying of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the director. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Signal Mountain. (1985 Code, § 13-205)

18-206. Application for domestic wastewater discharge and industrial wastewater permit. (1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the director for written authorization to discharge to the town's wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the director, the building sewer is installed in accordance with section 18-203 of this chapter and an inspection has been performed by the director or his representative.

The receipt by the town of a prospective customer's application for service shall not obligate the town to render the service. If the service is applied for cannot be supplied in accordance with this chapter, and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service, except that conditional waivers for additional services may be granted by the director for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit

before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(1) Users required to obtain a wastewater discharge permit shall complete and file with the director application in the form prescribed by the director, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(2) The application shall be in the prescribed form of the town and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the director.

(3) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the director for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the state of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(4) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard" shall include either a national pretreatment standard imposed by section 18-207 of this chapter.

(5) The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(6) The receipt by the town of a prospective customer's application for wastewater discharge permit shall not obligate the town to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the town to the applicant of such service.

(7) The director will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the director, the director shall submit the application to the commissioner of public utilities and the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town. Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.

(2) Limits on the average and maximum wastewater constituents and characteristics.

(3) Limits on average and maximum rate and time of discharge or requirements and equalization.

(4) Requirements for installation and maintenance of inspections and sampling facilities.

(5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.

(6) Compliance schedule.

(7) Requirements for submission of technical reports or discharge reports.

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto.

(9) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change

in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(10) Requirements for notification of slug discharged.

(11) Other conditions as deemed appropriate by the town to insure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the director within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by section 18-206(2)(b)(2) and (3). The terms and conditions of the permit may be subject to modification by the director during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified suspended, or revoked, in whole or in part during its term for cause including, but not limited to, the following:

(1) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(4) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use related to this chapter or the town's or user's NPDES permit. Provided, however, that such portion of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the director as confidential shall not be transmitted to any governmental agency or to the general public by the director until and unless prior and adequate notification is given to the user. (1985 Code, § 13-206)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, and sulfides or any other

substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2) in any dimension, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.

(c) Any wastewater having a pH less than 5.0 higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutant, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in a non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).

(j) Any pollutants, including oxygen demanding pollutants (B.O.D., etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

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

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at a temperature between thirty-two (32) or one hundred fifty degrees (150°) F (0 and 65°C).

(o) Any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the director and the Tennessee Department of Public Health, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

<u>Pollutant</u>	<u>Daily Average* Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Antimony	5.0	8.0
Arsenic		
Cadmium		
Chromium (total)		
Copper		
Cyanide		
Lead		
Mercury		
Nickel		
Pesticides & Herbicides		
Phenols		
Selenium		
Silver		
Surfactants, as MBAS		
Zinc	3.0	5.0

* Based on 24-hour flow proportional composite samples.

(3) Protection of treatment plant influent. The director shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria) industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set for in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the director shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The director shall also recommend changes to any of these criteria in the event that: that POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes as needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

<u>Parameter</u>	<u>Maximum Concentration mg/l (24-hour flow) Proportional Composite Sample</u>	<u>Maximum Daily Concentrations (mg/l)</u>
Aluminum		
dissolved (AL)	3.00	250
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	1.0
Barium (Ba)		5.0
Boron (b)		500.0
Cadmium (Cd)		0.01
Chromium (Total)		3.0
Cobalt (Co)		10.0
Copper (Cu)		1.0
Cyanide (CN)		0.05
Fluoride (F) (Solible)		20.0
Iron (Fe)		10.0
Lead (Pb)		0.1
Manganese (Mn)		10.0
Mercury (hg)		0.5
Nickel (Ni)		3.0
Pesticides & Herbicides		
Phenols		1.0
Selenium (e)		0.01
Silver (Ag)		0.05
Sulfide		
Zinc (Zn)	0.3	2.0
Total Kjeldahl Nitrogen (TKN)	45.0	
Oil & Grease	50.0	
MBAS	5.00	
BOD	*	
COD	*	
Suspended Solids	*	40

* Not to exceed the design capacity of treatment works.
BDL = Below Detectable Limits.

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the director from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Public Health and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the town and any user of the wastewater treatment system whereby wastewater of unusual strength of character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in section 18-207(1) and (2) of this chapter. Exceptions can be granted according to the following guidelines:

The director shall allow applications for temporary exceptions at any time. However, the director shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the town.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the town in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the director upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

- (1) Interfere with the normal collection and operation of the wastewater treatment system.
- (2) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.
- (3) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its enforced federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of the application by the director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the director to correct such deficiencies. This thirty (30) day period may be extended by the town upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty (30) days, shall submit his recommendations to the town council at the next regularly scheduled meeting.

(d) Review of application by the town. The town shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (1) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in section 18-207 and grant an exception only

if such exception may be granted within limitations of applicable federal regulations.

(2) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations.

(3) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(4) The cost of pretreatment of other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception.

(5) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(6) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(7) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(e) Accidental discharge. (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from implant transfer or processing and materials handling areas, and from dikes areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities, establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the director before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(2) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the director (or his designated official) by telephone to enable countermeasures to be taken by the director to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1985 Code, § 13-207)

18-208. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the director.

When, in the judgment of the director, there is a significant different in wastewater constituents and characteristics provided by different operations of a single user the director may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by the user. If sampling or metering equipment is also required by the director, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The director may, however, when such a location would be impractical or cause undue hardship on the user, allow the

facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of sampling for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable local agency construction standards and specifications.

Construction must be completed within 180 days following written notification unless an extension is granted by the director.

(2) Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The director or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

(b) The director may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto or with any other test procedures approved by the director. Sampling shall be performed in accordance with the techniques approved by the director.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples.
- (b) The dates analyses were performed.
- (c) Who performed the analyses.
- (d) The analytical techniques/methods used, and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director, Director of the Division of Water Quality

Control, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the Director, the Approval Authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the director or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1985 Code, § 13-208)

18-209. Enforcement and abatement. (1) Issuance of cease and desist orders. When the director finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the director shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the director;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the director to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time. When the director finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations on pretreatment standards, or the provisions of a wastewater discharge permit, the director shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the director within 30 days of the issuance of a cease and desist order.

- (3) Show cause hearing. (a) The town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the town council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the town commission regarding the

violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the town commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The town council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(1) Issue in the name of the town council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(2) Take the evidence.

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereof.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the town council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the director or in his absence the person then in charge of the treatment works shall immediately notify the commissioner of public utilities of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the town or in their absence such elected officials of the town as may be available, the director shall temporarily terminate the service of such user or users as are necessary to abate

the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges of wastewater in any manner in violation of this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person creating a public nuisance shall be subject to the provisions of the town codes or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter the director shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the town shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage of facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the director shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The Town of Signal Mountain shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (1985 Code, § 13-209)

18-210. Penalty; costs. (1) Civil penalties. Any user who is found to have violated an order of the town council or who willfully or negligently fails to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record,

report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

(3) Damaging or obstructing public sewers. Any person who willfully, or maliciously damages, injures or obstructs any public or private sewer pipe, main or drain, laid at the direction of the town, shall, in addition to any other penalty provided by law, pay all expenses incurred on account of the repairs and damages arising from such act.

(4) Penalty for violation of this section. (a) Any person found to be violating any provision of this section except provisions relating to interfering with or damaging the sewerage work shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within a period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall be guilty of an offense and, upon conviction thereof, shall be punished as prescribed in section 18-210(1) for each violation. Each day in which any such violation shall continue, shall be deemed a separate offense.

(c) Any person violating any of the provisions of this chapter shall be liable to the town for any expense, loss or damage occasioned by the town by reason of the violation. (1985 Code, § 13-210)

18-211. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the town's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the town's schedule of charges and fees, may include, but not be limited to:

- (a) Inspection fee and tapping fee.
- (b) Fees for applications for discharge.
- (c) Sewer use charges.
- (d) Surcharge fees.
- (e) Industrial wastewater discharge permit fees.
- (f) Fees for industrial discharge monitoring.
- (g) Other fees as the town may deem necessary to carry out the requirements of this chapter.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by section 18-206 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the town's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the town council.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users contribution of wastewater loads; each class user being identified as follows:

(1) Class I. Those users whose average biochemical oxygen demand (BOD) is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(2) Class II. Those users whose average biochemical oxygen demand (BOD) exceed two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of costs. The town council shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(1) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons), as measured by the water meters of the town with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where;

C_i = the Class I total unit cost in \$/1,000 gallons.

T.S.C. = the total operation and maintenance, administration, and debt service cost determined by yearly budget projections.

V_t = the total volume of wastewater contribution from all users per year as determined from projections from one town fiscal year to the next.

(2) All users who fall within the Class II classification shall pay the same base unit charge per 1,00 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand (BOD) and suspended solids in direct proportion to the actual discharge quantities.

(3) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the commissioner of public utilities if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e., filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(4) When either or both the total suspended solids or biochemical oxygen demand (BOD) quantities discharged into the treatment works is in excess of those described in section 18-211(5)(a), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge.

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time.

(5) Surcharge fees. If it is determined by the town that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with section 18-206 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(8) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the town. (1985 Code, § 13-211)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, BY-PASSES, ETC.

SECTION

- 18-301. Definitions.
- 18-302. System to comply with state law.
- 18-303. Cross-connection to be approved.
- 18-304. Statement must be filed.
- 18-305. Inspections.
- 18-306. Right to enter.
- 18-307. Reasonable time to comply.
- 18-308. Grounds for discontinuance.
- 18-309. Protection of potable water system.
- 18-310. Requirements shall apply to all served.
- 18-311. Violations.

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

(1) "Public Water System." The waterworks system which furnishes water to all customers of Signal Mountain Utilities for general use and which is recognized as a public water system by the Tennessee Department of Health and Environment.

(2) "Cross-Connection." Any physical arrangement whereby a public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross-connections.

(3) "Auxiliary Intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-Pass." Any system of piping or other arrangement hereby the water may be diverted around any part or portion of a water purification plant.

(5) "Inter-Connection." Any system of piping or other arrangement hereby the public water system 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.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or Federal Agency. (Ord. # 88-15)

18-302. System to comply with state law. Signal Mountain Public Water System is to comply with Sections 68-13-701 through 68-13-719 of the Tennessee Code Annotated, as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective on-going program to control these undesirable water uses. (Ord. # 88-15)

18-303. Cross-connection to be approved. It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all time under the direct supervision of the Director of Public Utilities of the Signal Mountain Public Water System. (Ord. # 88-15)

18-304. Statement must be filed. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Director of Public Utilities a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. # 88-15)

18-305. Inspections. It shall be the duty of the Director of Public Utilities of the Public Water System to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved, shall be established by the Director of Public Utilities of the Signal Mountain Public Water System and as approved by the Tennessee Department of Health and Environment. (Ord. # 88-15)

18-306. Right to enter. The Director of Public Utilities or authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Signal Mountain Public Water System for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant or any property so served shall furnish to the inspection agency and, pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (Ord. # 88-15)

18-307. Reasonable time to comply. Any person who now has cross-connections, auxiliary intakes, bypasses, or inter-connections in violation of the provisions of this chapter, shall be allowed a reasonable time within which to comply with provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the Director of Public Utilities of the Signal Mountain Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, Section 68-13-711, with a reasonable time and within the time limits set by the Signal Mountain Public Water System shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customers on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes or by-passes are found that constitutes an extreme- hazard of immediate concern of contaminating the public water system, the management of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is correct immediately. (Ord. # 88-15)

18-308. Ground for discontinuance. Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Director of Public Utilities of the Signal Mountain Public Water System, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be reduced pressure zone type backflow preventer approved by the Tennessee Department of Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Director of Public Utilities of the

Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Signal Mountain Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Director of Public Utilities, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the Director of Public Utilities shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, acceptable to the Director of Public Utilities of the Signal Mountain Public Water System.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises. Likewise the removal, bypassing, or altering the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Signal Mountain Public Water System. (Ord. # 88-15)

18-309. Protection of potable water system. The potable water system made available to premises served by the public water system be protected from contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. # 88-15)

18-310. Requirements shall apply to all served. The requirements contained herein shall apply to all premises served by the Signal Mountain Public Water System whether located inside or outside the corporate limits and

are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Signal Mountain Corporate Limits. (Ord. # 88-15)

18-311. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100.00), and each day of continued violation shall constitute a separate offense. (Ord. # 88-15)

CHAPTER 4

WATER SHORTAGE AND DROUGHT CONDITIONS

SECTION

- 18-401. Declaration of policy, purpose, and intent.
- 18-402. Definitions.
- 18-403. Water use classification system.
- 18-404. Management phases.
- 18-405. Shortage water rates (stand-by rates).
- 18-406. Rationing.
- 18-407. Fines and penalties (failure to comply).
- 18-408. Monitoring and enforcement.
- 18-409. Variances (relief from compliance).
- 18-410. Activation and deactivation of management phases.

18-401. Declaration of policy, purpose, and intent. Purpose: To achieve the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner, the Town of Signal Mountain adopts the following regulations and restrictions on the delivery and consumption of water.

This chapter is hereby declared necessary for the preservation of public health, safety, and welfare and shall take effect upon its adoption by the Town of Signal Mountain.

Whenever, in the judgment of the governing body of the Town of Signal Mountain it becomes necessary to conserve water in the service area, due to drought or in the distribution of water, the Town of Signal Mountain is authorized to issue a declaration that existing conditions prevent fulfillment of the usual water-use demands. The declaration is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs become endangered.

Immediately upon the issuance of such a declaration, regulations and restrictions set forth under this chapter shall become effective and remain in effect until the water shortage is terminated and the declaration rescinded.

Water uses, regulated or prohibited under this chapter are considered to be non-essential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The provisions of this chapter shall apply to customers of the Town of Signal Mountain. (Ord. # 88-11)

18-402. Definitions. For the purposes of this chapter the following definitions shall apply:

- (1) "Conservation." Reduction in water use to prevent depletion or waste of the resource.
- (2) "Customer." Any person, company, or organization using water supplied by the Town of Signal Mountain.
- (3) "Domestic water use." Water use for personal needs or for household purposes; such as, drinking, bathing, heating, cooking, sanitation, including employees' use in business, industry, or institution.
- (4) "Management Phases." (a) "Conservation." A conservation phase exists when deemed necessary by the Town of Signal Mountain and has been verified by best available information.
 (b) "Restrictions." A restrictions phase exists when deemed necessary by the Town of Signal Mountain and has been verified by best available information.
 (c) "Emergency." An emergency phase exists when deemed necessary by the Town of Signal Mountain and has been verified by best available information.
- (5) "Even numbered address." Street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8, or letters A-M; and locations without addresses.
- (6) "Institutional water use." Water used by government, public and private educational institutions, public medians and rights of way, churches and places of worship, water utilities, and other lands, buildings, and organizations.
- (7) "Landscape water use." Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.
- (8) "Odd numbered address." Street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters N-Z.
- (9) "Water shortage." Lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, water levels in wells which cause water supplies to be less than usual, major water line breaks, chemical spills, etc. resulting in reduced water supplies. (Ord. # 88-11)

18-403. Water use classification system.

First Class Essential Water Uses: Residential.

Second Class Essential Water Uses: Commercial.

Third Class Essential Water Uses: Golf course. (Ord. # 88-11)

18-404. Management phases. Three levels of water management are established: "Conservation," "Restrictions," and "Emergency." Declarations issued by the Town of Signal Mountain shall specify the water management phase in effect and undertake the appropriate water management activities.

(1) Drought alert provisions and implementation. When a local, regional or statewide "Drought Alert" is issued by the Tennessee Office of Water Management, the Town of Signal Mountain will begin, if not already underway,

regular monitoring of supply and demand conditions applicable to the Town of Signal Mountain. Users of the system will be alerted to the activation possibility of the water shortage management plan. Notice will be made to a newspaper of general circulation within the affected community or area. In addition, the Town of Signal Mountain will encourage water users to assess their use of water.

(2) Conservation phase provisions. If conditions indicate that a moderate water shortage condition is present and is expected to persist, the Town of Signal Mountain shall activate those requirements outlined in this section to reduce water use.

(a) Goal:

(1) An overall water use reduction of fifteen (15) percent. Voluntary water use reductions would be requested for essential, economic and social uses.

(2) Non-essential water uses would be banned.

(b) General response: Issue a Declaration of Water Shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that conservation phase measures are necessary and shall include the list of non-essential water uses.

(c) Restrictions applying to non-essential uses:

Outdoor watering - residents:

(1) Only between the hours of 9:00 p.m. and 6:00 a.m.

(2) Odd numbered houses can only water on Monday, Wednesday, Friday.

(3) Even numbered houses can only water on Tuesday, Thursday, Saturday.

(4) No watering on Sunday.

(5) No car washing will be allowed.

(6) All water customers are subject to total watering ban if the need arises.

(7) No filling of swimming pools.

(d) Restrictions applying to manor water users:

Outdoor watering - major users:

(1) Only between the hours of 12:00 a.m. and 6:00 a.m.

(2) No watering on Sunday.

(3) Major users are subject to total watering ban if the need arises.

(3) Restrictions phase provisions. If conditions indicate that a severe water shortage condition is present and is expected to persist the Town of Signal Mountain shall activate those requirements outlined in this section to curtail water uses.

(a) Goal: An overall water use reduction of thirty (30) percent.

Voluntary water use reductions would be requested for essential uses. Nonessential water uses would be banned, resulting in a 100 percent

overall class reduction. Curtailments in Second and Third Class Essential Water uses would be required resulting in a seventeen (17) percent combined class reduction.

(b) General responses: (1) Issue a Declaration of Water Shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that a Restrictions Phase is in effect and shall include the list of banned uses, and the list of restricted water uses.

(2) Require customers of the Town of Signal Mountain to comply with the listed water-use bans and restrictions in all categories while severe drought conditions exist.

(c) Restrictions applying to second and third class essential water uses:

Water restriction - Residents:

(1) No outdoor watering will be allowed.

(2) No car washing.

(3) No filling of swimming pools.

(d) Major users: No outdoor watering will be allowed.

(4) Emergency phase provisions. If conditions indicate that an extreme water shortage condition is present, the Town of Signal Mountain shall activate the provisions outlined in this section to curtail water use.

Water-use restrictions imposed during extreme water shortage conditions are mandatory.

(a) Goal:

(1) An overall water use reduction of sixty (60) percent; only First Class Essential water uses would be allowed.

(2) All other water uses would be prohibited.

(b) General responses:

(1) Issue a Declaration of Water Shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that an Emergency Phase is in effect. It shall include the list of banned water uses.

(2) Require customers of the Town of Signal Mountain to comply with the listed water-use restrictions in all categories while extreme water shortage conditions exist.

(c) Restrictions applying to second and third class essential water uses: (Ord. # 88-11)

18-405. Shortage water rates (stand-by rates). Upon the declaration of a water shortage, the Town of Signal Mountain shall utilize shortage water rates to water conservation of water supplies. (Such rates may provide for but not be limited to: (a) higher charges per unit for increasing usage (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); (c) extra charges for use in excess of a specified level (excess demand

surcharge); or (d) discounts for conserving water beyond specified levels. This chapter includes an example of an "excess use or surcharge" structure.)

In the event of a water shortage and activation of the "restrictions" phase, the Town of Signal Mountain is hereby authorized to monitor water use and limit households to 70 gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of \$25.00 per 1000 gallons. The Town of Signal Mountain is hereby authorized to monitor water use and limit households to 40 gallons per household member per day under an "emergency" phase. Domestic water use above this limit will be subject to a surcharge of \$50.00 per 1000 gallons. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of \$100.00 per 1000 gallons of water used if the Town of Signal Mountain deems that adequate conservation measures have not been implemented. (Ord. # 88-11)

18-406. Rationing. In the event of a declares drought the Town of Signal Mountain issues a Declaration of Water Shortage specifying either a Restrictions phase or Emergency phase the Town of Signal Mountain is hereby authorized to ration water in accordance with the following conditions:

(1) Residential water customers and allotments. (a) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(b) Each dwelling unit (household) shall be allotted 70 gallons per day for each resident of the household under "restrictions" and 40 gallons per day for each resident of the household under "emergency" conditions. Households with only one permanent resident will have a daily allotment of 55 gallons per day under "emergency" conditions.

(c) Residential water customers are required to provide town utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.

(d) Where the residential water allotment provided under this section would create an "extraordinary hardship," as in the case of special health-related requirements, the water customer may apply to the water system for an exemption or variance from these requirements. If it is found that the allotment provided in this section would impose an extraordinary hardship, a revised allotment for the particular customer may be established.

(e) Any person aggrieved by a decision relating to such an exemption or variance rendered by the municipality rendering water

service, may file a complaint with the Town of Signal Mountain Town Hall.

(2) Non-Residential water customers and allotments. Non-residential customers include commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.

Non-residential water customers shall further reduce their water usage to fifty (50) percent of use levels as decided by the town council.

It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction goal in whatever manner possible.

The Town of Signal Mountain will establish a water allotment for each non-residential water customer, based upon a required further reduction of water usage from the rate of water used by the customer, or the last recorded use level if no meter readings record the rate of the customer's use.

Each non-residential water user shall provide access to water system personnel for purposes of meter reading and monitoring of compliance with this chapter. All reasonable efforts will be made to contact customers to arrange for access.

If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the water system for a variance. For these purposes "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing chapter. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted and a revised water use reduction requirement for the particular customer may be established.

Any person aggrieved by a decision relating to such a variance rendered by a public utility may file a complaint with the Town Council of the Town of Signal Mountain.

(3) Water use rationing for hospitals and health care facilities. Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.

Each hospital or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage. (Ord. # 88-11)

18-407. Fines and penalties (failure to comply). Except as otherwise stated herein, violators of any provision of this chapter shall be penalized. The penalty for a person's first offense shall be water disconnection with a reconnection fee of \$100. The penalty for a person's second offense shall be water disconnection with a reconnection fee of \$200. Persons violating this

chapter a third or more times within the same drought period will have water service disconnected for a period of five (5) days with a \$300 reconnection fee.

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge. (Ord. # 88-11)

18-408. Monitoring and enforcement. Law officers of the Town of Signal Mountain police force shall, in addition to duties imposed by law, diligently enforce the provisions of this chapter.

Employees of the Town of Signal Mountain, Department of Public Works, and Fire Department have the duty, and are hereby authorized to enforce the provisions of this chapter and shall have the power and authority to issue citations when violations of this chapter occur during any declared drought. (Ord. # 88-11)

18-409. Variance (relief from compliance). (1) Customers not capable of reducing water use immediately, because of equipment damage or other extreme circumstances, shall reduce water use within twenty-four hours of a declaration of a water shortage, where provisions of this chapter apply to them and shall apply for a variance from curtailment.

Customers requesting exemption from the provisions of this chapter shall file a petition for variance with the town council and town attorney within three (3) days after such curtailment becomes effective.

When the chapter has been invoked by the mayor, all petitions for variances shall be reviewed by the town council and town attorney. When the chapter has been invoked by the mayor, persons using less than 25,000 gallons of water per day shall file a petition for variance with the town council and town attorney, and persons using in excess of 25,000 gallons of water per day shall file a petition for variance with the town council and town attorney within three (3) days of the effective date of water use curtailment or reduction. The town council and town attorney shall respond to requests for variance within five (5) days of receipt of information or within twenty (20) days of declarations of the curtailment, whichever comes first. Petitions shall contain the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision from which the petitioner is requesting relief.
- (d) Detailed statement as to how the declaration adversely affects the petitioner.
- (e) Description of the relief desired.
- (f) Period of time for which the variance is sought.
- (g) Economic value of the water use.

(h) Damage or harm to the petitioner or others if petitioner complies with chapter.

(i) Restrictions with which the petitioner is expected to comply and the compliance date.

(j) Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.

(k) Other pertinent information.

(2) In order for a variance to be granted, petitioner must show one or more of the following conditions:

(a) Compliance with the chapter cannot be technically accomplished during the duration of the water shortage.

(b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(c) An extraordinary hardship can be shown.

(3) The Town of Signal Mountain may, in writing, grant temporary variances for existing water uses otherwise prohibited under the chapter if it is a condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The governing body of the Town of Signal Mountain shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the governing body of the Town of Signal Mountain.

No variance shall be retroactive or otherwise justify any violation of this chapter occurring prior to the issuance of the variance.

Variances granted by the town council and town attorney shall be subject to the following conditions, unless waived or modified by the town council and town attorney.

(a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the water shortage no longer exists. (Ord. # 88-11)

18-410. Activation and deactivation of management phases.

(1) Declaration of a drought. Whenever the Town of Signal Mountain finds that a potential shortage of water supply is indicated, it shall be empowered to declare a drought exists, and that the water superintendent shall, daily, monitor the supply and demands upon that supply. In addition, the mayor (or his/her agent) is authorized to specify the management phase in effect and the measures to be employed by the system's customers. This declaration shall be published in an official city newspaper, and may be publicized through the general news media or any other appropriate method for making such resolutions public.

(2) Termination of drought phases. Whenever the Town of Signal Mountain finds supplies have returned to normal, it shall be empowered to replace or declare as ended by resolution any phase enacted. Such a declaration shall follow the same guidelines used for declaring a drought. (Ord. # 88-11)

CHAPTER 5

SEPTIC TANK EFFLUENT PUMP (S.T.E.P.) SYSTEM

SECTION

- 18-501. Definition.
- 18-502. Homes served.
- 18-503. Lots served.
- 18-504. Installation and ownership.
- 18-505. Approved equipment.
- 18-506. Town ownership--easements.
- 18-507. Rules of use, permits.
- 18-508. Fees.
- 18-509. User's guide.
- 18-510. Access.
- 18-511. Excess calls.
- 18-512. Cleaning.
- 18-513. Odorization.
- 18-514. Adoption by reference.

18-501. Definition. A S.T.E.P. sewer system is a facility consisting of a tank or tanks for settling and digesting wastewater solids, and a pump and pressure piping system for conveying the supernatant liquid into the sewer system. Where the construction of sewers is desired or required, and gravity sewers are not feasible or possible, septic tank effluent pump (S.T.E.P.) systems may be installed according to the regulations of this chapter. (As added by Ord. #98-30, Oct. 1998)

18-502. Homes served. Existing homes which exist or become within 300 feet of a newly-installed S.T.E.P. sewer main are not required to connect to the main unless

- (1) Their septic system fails, or
- (2) The town is constructing the S.T.E.P. main. (As added by Ord. #98-30, Oct. 1998)

18-503. Lots served. Vacant lots which exist or become within 300 feet of a newly-installed S.T.E.P. sewer main are required to connect to the main when a home is built. (As added by Ord. #98-30, Oct. 1998)

18-504. Installation and ownership. The S.T.E.P. sewer mains shall be installed pursuant to specifications approved by the town and adopted herein by reference, and the state. They shall be owned and maintained by the developer installing it for the first year it is installed and used. After the first year, the developer shall contribute the S.T.E.P. sewer main in good condition

to the town which shall own and maintain it in perpetuity. The developer shall pay the town plans review and systems inspection fees as may be set by the council. (As added by Ord. #98-30, Oct. 1998)

18-505. Approved equipment. S.T.E.P. sewer customers must purchase town-approved and state-approved S.T.E.P. tanks, pumps, and related hardware. The town may develop a system to offer customers a town-bid, predetermined price and vendor for the approved S.T.E.P. pumps and tanks. (As added by Ord. #98-30, Oct. 1998)

18-506. Town ownership-easements. S.T.E.P. tanks, pumps, and service lines shall be installed by the property owner or homebuilder in locations approved by the town using specifications set by the town, and immediately donated to the town for perpetual ownership and maintenance after inspection by the town, along with an easement for the town to gain access to and through private property to maintain these items. Access manholes, ports, and electrical disconnects must not be locked, obstructed, or blocked by landscaping or construction. The customer shall be responsible for maintaining all plumbing within the house and to the S.T.E.P. tank. (As added by Ord. #98-30, Oct. 1998)

18-507. Rules of use, permits. S.T.E.P. sewer customers must employ installers from the town's list of approved contractors for the installation of the approved pumps, tanks, and service lines. A town-approved permit must be requested and approved before installation can proceed. The town shall inspect the installation. The town inspector shall be notified a minimum of 48 hours in advance of a tap connection to an existing main. The inspector shall be present at the time of the tap. The customer supplies electric power to the S.T.E.P. system. The customer shall be responsible for notifying the town when the control panel alarm buzzer is activated. The customer shall be responsible for curtailing water usage until town forces respond to the customer's notification. The town will accept no responsibility for damages resulting from a plumbing backup, such as may occur if water usage is not curtailed during an alarm condition or if the customer disables the alarm. (As added by Ord. #98-30, Oct. 1998)

18-508. Fees. S.T.E.P. sewer customers shall pay the same sewer fees as gravity sewer customers, including the tap fee, except for additional emergency maintenance, monthly maintenance surcharges and/or application fees the council may set by policy from time to time. (As added by Ord. #98-30, Oct. 1998)

18-509. User's guide. S.T.E.P. sewer customers are responsible for following the town-provided S.T.E.P. users guide which prohibits, among other things, the following uses:

- (1) Connection of roof guttering, sump pumps, or surface drains.
- (2) Disposal of toxic household substances.
- (3) Misuse of garbage grinders or disposals as outlined in the "Property Owner/Homeowner User Information and Guidelines" document adopted by reference.
- (4) Discharge of water softener backwash water.
- (5) Discharge of pet hair, lint, or home vacuum water.
- (6) Discharge of fats, grease or oils. (As added by Ord. #98-30, Oct. 1998)

18-510. Access. The customer must maintain access to the tank riser and service box lid, and access to the system control panel. Maintenance of the piping between the house and the tank is the responsibility of the resident. (As added by Ord. #98-30, Oct. 1998)

18-511. Excess calls. S.T.E.P. sewer customers may be assessed penalty fees and/or charges, as may be set by policy by the town council, for abuse of the S.T.E.P. tank and pump causing excessive alarms and emergency maintenance calls. (As added by Ord. #98-30, Oct. 1998)

18-512. Cleaning. Town will provide

- (1) Filter cleaning and system inspection annually, and
- (2) Tank pumping as needed. Service requirements more frequent than this cycle, for Item #1 above, may warrant extra service charges as may be set by town council policy. (As added by Ord. #98-30, Oct. 1998)

18-513. Odorization. The developer/contractor installing a S.T.E.P. system shall be held responsible for odorization until the subdivision/system is fully developed. A bond for an amount and time period as determined by the town, dependent on the S.T.E.P. system design, shall be required for the implementation of an odor control system. In the event odor problems occur, the developer/contractor shall develop a plan of action to address the issue and submit the plan to the town for acceptance. The town's acceptance of an odor control project does not, in any way, relieve the developer/contractor from the responsibility of further odor control measures. The developer/contractor shall be responsible for implementing the accepted plan, including payment thereof for installation, operation and maintenance, to remedy any odor problems. (As added by Ord. #98-30, Oct. 1998)

18-514. Adopted by reference. The Town of Signal Mountain, Tennessee shall adopt herein, by reference, all requirements and regulations set forth in two documents maintained at the Signal mountain Town Hall, and available for public inspection during regular town business hours, entitled:

- (1) Standard Specifications for Septic Tank Effluent Pump (S.T.E.P.)
Systems and;
- (2) Standard Details for Septic Tank Effluent Pump (S.T.E.P.)
Systems. (As added by Ord. #98-30, Oct. 1998)

CHAPTER 6

SEPTIC SYSTEMS OTHER THAN SEPTIC TANK EFFLUENT
PUMP (S.T.E.P.) SYSTEMS

SECTION

18-601. Building site.

18-602. Application to construct a septic system.

18-603. Septic system construction inspection.

18-601. Building site. The proposed building site must meet all criteria of the Chattanooga-Hamilton County Health Department Environmental Health Groundwater Protection Regulations, including those contained in the Sections Existing Lots (Page 3) in the 1998 document "Changes to Policies & Procedures." (As added by Ord. #99-1, Jan. 1999)

18-602. Application to construct a septic system. Persons planning to construct a septic system within the Town of Signal Mountain must, in addition to the permit application filed with Chattanooga-Hamilton County Health Department, file an application for services within the Town of Signal Mountain accompanied by the following items:

(1) An application for Subsurface Sewage Disposal System Construction Permit, with \$50.00 fee, specific to the Town of Signal Mountain.

(2) A 1" = 50' scale plat of the lot with the following items:

(a) Scale drawing of house in location desired;

(b) Scale drawing of all driveways, walkways and impervious areas to be constructed;

(c) Calculation of the impervious area to be present on the lot expressed both in square feet and in percentage of the total area of the lot;

(d) Storm water drainage plan to remove all water from impervious areas to drainage easement specified on subdivision plat that do not impact the primary and reserve drain fields;

(e) Location of all planned underground utilities;

(f) Location of septic system primary drain field and reserve drain field areas; and

(g) Location of any planned items which would impact the septic system, i.e. swimming pools, outbuildings, etc.

(3) Brochure(s) stating gallonage for each and any whirlpool type bathtub to be installed in the proposed structure.

(4) Blueprints of house to be constructed as well as notarized statement of number of bedrooms to be present in the structure (see Chattanooga-Hamilton County Technical Manual of the Division of Groundwater Protection revised September 1, 1998, as may be amended from

time to time). Upon final inspection by the Town of Signal Mountain Building Inspector and the structure is found to have more bedrooms than specified on the application for services, no final approval should be given until either the septic system is modified or the bedrooms are modified.

(5) Actual soil mapping and/or soil percolation test data is to be used in the sizing of septic system disposal systems.

(6) The distances between disposal line trench walls is to be in accordance with Chattanooga-Hamilton County Health Department Environmental Health Groundwater Protection Regulations.

(7) Any conventional septic system requiring a pump would require an approved means to provide equal distribution of effluent within the disposal trenches. Examples of approved means of flow division including but are not limited to, Low Pressure Pipe distribution, OSI's Hydro-splitter, drop boxes or any means of flow division acceptable to the Chattanooga-Hamilton County Health Department Environmental Health Groundwater Protection.

(8) All septic tanks and pump tanks installed within the Town of Signal Mountain must be:

(a) Certified as watertight by the manufacturer, and;

(b) Certified as watertight on site by the successful completion of a water tightness test as specified on page 16 of the document Proposed Subsurface Sewage Disposal System Policies and Procedures for the Town of Signal Mountain.

(9) The Chattanooga-Hamilton County Health Department has regulations addressing septic tank sizes up to five-bedroom homes. For larger homes, the tank sizes shall be:

6 BDR = 1,750 gallons

7 BDR = 2,000 gallons

8 BDR = 2,250 gallons

Each additional BDR = 250 gallons. (As added by Ord. #99-1, Jan.

1999)

18-603. Septic system construction inspection. During the construction of the disposal field, the Town of Signal Mountain Building Inspector or his/her representative should conduct site visits to determine the following:

(1) That the house structure is being constructed in the proper area as designated by the Chattanooga-Hamilton County Health Department Environmental Health Ground Water Protection Authority and not in an area which conflicts with the primary or secondary field line areas.

(2) That the disposal field is being constructed in the proper area as designated by the construction permit issued by the Chattanooga-Hamilton County Health Department Environmental Health Groundwater Protection Authority and that a licensed installer is constructing the system.

(3) That the flow division mechanism is installed properly.

(4) All septic tanks and pump tanks are equipped with an approved access riser extending to finished grade and fitted with a secure lid.

(5) That the septic tank and pump tanks are watertight by observing watertight testing by obtaining a copy of the manufacturer's certificate if a S.T.E.P. tank is installed.

(6) That no damage has occurred to the system prior to final covering such as holes being knocked in tanks by equipment or other means, crossovers being crushed or any other mechanical damage. (As added by Ord. #99-1, Jan. 1999)

CHAPTER 7

STORMWATER RUNOFF REGULATION AND CONTROL

SECTION

- 18-701. Purpose.
- 18-702. Definitions.
- 18-703. Permit.
- 18-704. Other requirements.
- 18-705. Nonpotable water discharge.
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18-701. Purpose. The purpose of this chapter is to diminish threats to the public health and safety caused by the runoff of excess stormwater, to minimize movement of soils resulting from development, to reduce the possibilities of hydraulic overloading of the storm sewer system, to reduce economic losses to individuals and the community at large as a result of erosion and the runoff of excess stormwater, and to protect and conserve land and water resources, while at the same time ensuring orderly development. The provisions of this chapter are specifically intended to supplement existing ordinances regulating the following:

- (1) The subdivision, layout, and improvement of lands located within the Town of Signal Mountain.
- (2) The excavating, filling, and grading of lots and other parcels or areas.
- (3) The construction of buildings, including related parking and other paved areas, and the drainage of the sites on which structures and their related parking and other paved areas are located.
- (4) The design, construction, and maintenance of erosion control and stormwater drainage facilities and systems. (as added by Ord. #2001-6, Dec. 2001)

18-702. Definitions. For the purpose of this chapter, the following definitions are adopted:

- (1) "Base flood elevation." The elevation delineating the flood level having as one-percent probability of being equaled or exceeded in any given year (also known as the 100-year flood elevation), as determined from Flood Insurance Rate Maps (FIRMS) or the best available information.
- (2) "Channel." A natural or man-made open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.
- (3) "Town engineer." The person formally designated by the Town of Signal Mountain as the town engineer.
- (4) "Conduit." Any channel, pipe, sewer, or culvert used for the conveyance of movement of water, whether open or closed.
- (5) "Control elevation." Contour lines and points of predetermined elevation used to denote a detention storage area on a plat or site drawing.
- (6) "Design standards for public improvements." Standards on file in the town's offices to which all designs and the resulting public improvements, must conform.
- (7) "Detention facility." A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulated behind the outlet.
- (8) "Detention storage." The temporary detaining or storage of stormwater in storage basins, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled

conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

(9) "Discharge." The rate of outflow of water from any source.

(10) "Drainage area." The area from which water is carried off by a drainage system, i.e., a watershed or catchment area.

(11) "Excess stormwater runoff." The rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which represented or represents the runoff from the property prior to the date of this chapter.

(12) "Floodplains." The special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the base flood elevation and is subject to periodic inundation.

(13) "Hydrograph." A graph showing, for a given point on a stream or conduit, the runoff flow rate with respect to time.

(14) "Land disturbance." Any man-made change to improve or unimprove real estate including but not limited to building structures, filling, grading, excavation, clearing, or removal of vegetation.

(15) "One-hundred-year storm." A precipitation event of 24 hours' duration, having a one-percent chance of occurring in any one year.

(16) "Peak flow." The maximum rate of flow of stormwater at a given point in a channel or conduit resulting from a predetermined storm or flood.

(17) "Stormwater drainage system." All means, natural or man-made, used for conducting stormwater to, through, or from a drainage area to the point of final outlet including, but not limited to, any of the following: open and closed conduits and appurtenant features, canals, channels, ditches, streams, swales, culverts, streets, and pumping stations.

(18) "Stormwater drainage facility." Any element in a stormwater drainage system which is made or improved by man.

(19) "Stormwater runoff." The waters derived from precipitation within a tributary drainage area flowing over the surface of the ground or collected in channels or conduits.

(20) "Time of concentration." The elapsed time for stormwater to flow from the most distant point in a drainage area to the outlet or other predetermined point.

(21) "Two-year storm." A precipitation event having a fifty percent chance of occurring in any one year.

(22) "Two-year storm runoff." The stormwater runoff having a fifty percent probability of occurring in any one year.

(23) "Unprotected channel." A channel which receives stormwater discharge and which is not paved, rip-rapped, or otherwise improved by addition of man-made materials so as to reduce the potential for erosion.

(24) "Upland areas." Any land whose surface drainage flows toward the area being considered for development.

(25) "Urbanization." The development, change, or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, or public utility purposes.

(26) "Waterbody." Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernable shoreline.

(27) "Watercourse." Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, or banks.

(28) "Wet bottom detention basin." A basin designed to retain a permanent pool of stormwater after having provided its planned detention of runoff during a storm event.

(29) "Nonpotable water." Water not safe for drinking or personal or culinary utilization. (as added by Ord. #2001-6, Dec. 2001)

18-703. Permit. Before initiating any activity regulated by this chapter, an applicant shall be required to obtain a permit from the town which indicated that the requirements of this chapter 7 have been met.

Permit fees shall be: 0 - 2.0 Acres = \$25.00
 2.1 - 4.9 Acres = 50.00
 5.0 - Greater Acres = 100.00

(as added by Ord. #2001-6, Dec. 2001)

18-704. Other requirements. In addition to meeting the requirements of § 18-703 and the more specific requirements of §§ 18-710--18-730 of this chapter 7 and before starting any activity regulated by this chapter, an applicant shall comply with the requirements set forth in all other related ordinances and state statutes and regulations. (as added by Ord. #2001-6, Dec. 2001)

18-705. Nonpotable water discharges. Sewage or other waste from a plumbing system that is deleterious to surface or subsurface waters shall not be discharged into the ground or into any waterway unless it has been rendered innocuous through subjection to an approved form of treatment. An example would be the discharge of washing machine water into a drainage ditch or stormwater sewer. (as added by Ord. #2001-6, Dec. 2001)

18-706- - 18-709. Reserved. (as added by Ord. #2001-6, Dec. 2001)

18-710. Specific requirements; general. Sediment shall be maintained on site and excess stormwater runoff shall be detained in connection with any new construction, development, redevelopment, or land use change occurring within the Town of Signal Mountain in accordance with the requirements set forth in this chapter 7. Notwithstanding the foregoing, exceptions to this requirement are as follows:

(1) For stormwater detention, the development of any subdivision of five or less single-family or two-family lots.

(2) For stormwater detention, the development of commercial or industrial property in which the increase in run-off is less than ten percent (10%) of the pre-development runoff rate and less than five (5) cubic feet per second.

(3) A determination by the town that the excess runoff from the proposed construction, development, redevelopment, or land use change will be insufficient to adversely affect the carrying capacity of the receiving body or watercourse. In this connection and should the town's determination of insufficient adverse effect be sought, the developer shall make available to the town such hydraulic or hydrologic computations as will support the requested exception. (as added by Ord. #2001-6, Dec. 2001)

18-711. Discharge rate. The peak discharge rate after full development resulting from the proposed development shall not exceed the corresponding peak discharge rate prior to the development during storms of 2-year, 5-year, 10-year, and 25-year return frequencies. (as added by Ord. #2001-6, Dec. 2001)

18-712. Flood elevation. There shall be no detrimental effect of the floodway or the flood elevation during a 100-year storm upstream or downstream of the proposed development area as a result of the proposed development. (as added by Ord. #2001-6, Dec. 2001)

18-713. Allowable detention facilities. The increased stormwater runoff resulting from proposed development shall be detained by providing for appropriate detention storage as required by this chapter 7.

Where streets are used for temporary storage of stormwater runoff all manholes for sanitary sewers shall be of a type which prevent the infiltration of the ponded water. Where streets are used for the temporary storage of stormwater runoff, in no case shall the maximum design depth exceed six (6) inches. (as added by Ord. #2001-6, Dec. 2001)

18-714. Detention storage. Designs for detention storage and related appurtenances shall be submitted to the town for approval. Upon submittal of designs of detention storage the town shall make a determination as to whether any or all of the facilities proposed are to become part of the public drainage system. The town shall, at the same time, in the case of a proposed subdivision make a determination as to those control elevations that shall be entered on the final plat or make a determination as to the necessity for deed restrictions on any particular lot in said subdivision requiring the preservation of mandatory drainage facilities. Where a non-subdivided parcel of land is proposed for development, the town shall make a determination as to the need for covenants to maintain responsibility for mandatory drainage facilities. All of said facilities

shall be designed and constructed in accordance with Town of Signal Mountain specifications, shall be located in easements dedicated to the public, and shall be subject to continuing inspection during the construction period in the same manner as any other public improvement regulated under Title 18 of the Signal Mountain Municipal Code.

Detention facilities associated with residential subdivisions shall be in a separate lot (min. ½ acre) that shall be deeded to the town after 75% of the lots in the subdivision are occupied and the lot soil stabilized. Prior to acceptance of the detention facility the town and the developer will inspect the facility to assure it meets all of the requirements of this chapter 7. If any deficiencies are found, the developer will be responsible to make the necessary changes at his expense. Wet bottom detention basin is not acceptable to the town for operation and maintenance. (as added by Ord. #2001-6, Dec. 2001)

18-715. Sizing of detention storage and outlet. (1) The draining area used in computation will be the total area tributary to the detention storage outlet.

(2) The developer will be required to submit detailed hydrologic and hydraulic calculations to show that the requirements of this chapter 7 will be met. A unit hydrograph method of analysis will be used for detailed hydrologic computations. (as added by Ord. #2001-6, Dec. 2001)

18-716. Discharge velocity. The discharge velocity from detention facilities shall not exceed three feet per second unless it is determined by the town that greater velocities will not be harmful to the receiving channel. Where the town's determination is requested, the developer shall make available such hydraulic or hydrologic computations as will adequately support the course of action being requested. (as added by Ord. #2001-6, Dec. 2001)

18-717. Emergency spillway. Emergency spillways shall be provided to permit the safe passage of runoff generated from rainfall events in excess of the 100-year rainfall event. (as added by Ord. #2001-6, Dec. 2001)

18-718. Freeboard. Detention storage areas shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least one foot of freeboard above the water surface during the 100-year rainfall event. (as added by Ord. #2001-6, Dec. 2001)

18-719. Joint development of control system. Stormwater control systems may be planned in coordination by two or more property owners as long as the potential for damage from stormwater is not increased at intervening locations. (as added by Ord. #2001-6, Dec. 2001)

18-720. Early installation of control systems. Stormwater control measures shall be installed prior to undertaking other grading of site and a schedule of construction for this purpose shall be submitted by the owner(s)/developer(s) prior to construction in the Town of Signal Mountain. (as added by Ord. #2001-6, Dec. 2001)

18-721. Flows from upland areas. The total drainage area must be used in calculating the allowable release rate. The required storage volume will be based on the project area only, with extraneous flows from upland areas being bypassed or discharged via overflow spillways or other devices. Where storm sewers are required they shall be of such size as will provide sufficient capacity to receive the flow generated by five-year storm from upland areas. As to the latter and regardless of whether it has occurred in fact, such upland area shall be deemed to have been fully developed for all purposes of this requirement. (as added by Ord. #2001-6, Dec. 2001)

18-722. Land disturbance of one acre or more. The developer shall comply with the State of Tennessee General NPDES Permit for Stormwater Discharges Associated with Construction Activity and provide a copy to the town prior to starting construction. (as added by Ord. #2001-6, Dec. 2001)

18-723. Land disturbance of less than one acre. The developer shall submit to the Town of Signal Mountain a sediment and erosion control plan that meets the requirements of the State of Tennessee General NPDES Permit for Stormwater Discharges Associated with Construction Activity prior to starting construction. (as added by Ord. #2001-6, Dec. 2001)

18-724. All land disturbances. Land disturbances associated with any new construction, development, redevelopment, or land use change on any site of 2,500 square feet or larger or requiring a building permit shall incorporate into the development plan the following elements as minimum:

Stone construction entrance.

Silt fence or other sediment retaining device on the low side of the site.

Temporary seeding of disturbed areas remaining open more than three weeks.

Removal of soil tracked into the public right-of-way.

Permanent seeded.

A copy of the development plan shall be submitted to the town prior to starting construction. (as added by Ord. #2001-6, Dec. 2001)

18-725. Engineering certification. Any plans submitted to the town for the purpose of obtaining a building permit shall provide a civil engineer's certification that appropriate measures have been taken to avoid the diversion of water flow and for adequate drainage without impairing neighboring

properties. This provision shall apply only to those plans which cause a 10 percent increase in impervious area, to be covered with construction or involve change in the grade of the lot upon which construction will be conducted. (as added by Ord. #2001-6, Dec. 2001)

18-726. BMP manual. This chapter adopts the best management practice manual which contains the six (6) minimum compliance requirements and other items for obtaining a state stormwater permit. (as added by Ord. #2001-6, Dec. 2001)

18-727- - 18-730. Reserved. (as added by Ord. #2001-6, Dec. 2001)

18-731. Preliminary plats. Information indicating the manner in which the provisions of this chapter are to be met shall be indicated on all preliminary plats. (as added by Ord. #2001-6, Dec. 2001)

18-732. Requirements for construction plans. Information indicating the manner in which the provisions of this chapter are to be met shall be submitted with all construction plan submissions or any other plan for improvements which falls under the requirements of § 18-710. All computations, plans, and specifications shall be prepared and sealed by a professional engineer registered in the State of Tennessee. (as added by Ord. #2001-6, Dec. 2001)

18-733. Requirements for final plats. The easements or separate lots required for detention facilities shall be shown on the final plat. The control elevation for each detention facility shall be shown on the plat near the detention facility. A benchmark shall be established on site near the center of the detention facility, and be referenced to mean sea level. (as added by Ord. #2001-6, Dec. 2001)

18-734. Drainage and detention design requirements. All subdivisions and other proposed improvements which are subject to the provisions of § 18-710 shall incorporate such design features as are required in this chapter 7. Variation from these requirements shall require the approval of the town council whose action shall be conditioned upon the following:

(1) That a petition be submitted describing in detail the rationale for the proposed design change.

(2) That there are special circumstances or conditions affecting the property under consideration such that strict compliance with the provisions of this chapter 7 would deprive the applicant of the reasonable use of his land.

(3) That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.

(4) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the territory in which said property is located. (as added by Ord. #2001-6, Dec. 2001)

18-735. Off-street storm drainage systems. When the drainage system is outside of the road right-of-way, the subdivider shall provide and prepare a drainage easement according to accepted engineering practices.

The size and location of all off-street watercourses and/or ditches running through the subdivision shall be enclosed, or left open, in accordance with consideration for public safety and accepted engineering practices.

The developer shall protect all drainageways from erosion and sedimentation. Swales shall be seeded or sodded. All open channels or ditches shall be lined with rock and mortar, concrete, or other materials approved by the town engineer when the grade of the channel or ditch is less than one (1) percent or more than six (6) percent, or when deemed necessary by the town engineer. (as added by Ord. #2001-6, Dec. 2001)

18-736. Maintenance. Designs of detention facilities will incorporate features which facilitate their inspection and maintenance. The designer shall submit an operation and maintenance (O&M) plan for any detention facility prior to its approval by the town. All privately-owned detention facilities may be inspected by representatives of the Town of Signal Mountain at such times as they deem necessary. If deficiencies, or conditions creating nuisances, are found, the owner shall be required to initiate the necessary corrections within fourteen (14) days, and all deficiencies shall be corrected within forty-five (45) days.

Prior to starting construction, the developer shall post a bond in the amount of 1.5 times the estimated construction cost of the detention facility plus an amount of \$10,000 for operation and maintenance. The bond will remain in force until the detention facility is accepted by the town. (as added by Ord. #2001-6, Dec. 2001)

18-737. Safety features. Designs of detention facilities shall incorporate safety features, particularly at inlets, outlets, on steep slopes, and at any attractive nuisances. These features shall include, but not be limited to, fencing, handrails, lighting, steps, grills, signs, and other protective or warning devices so as to restrict access. (as added by Ord. #2001-6, Dec. 2001)

18-738. Drainage easement. Drainage easements shall be maintained by the developer until sold and from that time on maintained by the property owner. (as added by Ord. #2001-6, Dec. 2001)

18-739. Reserved. (as added by Ord. #2001-6, Dec. 2001)

18-740. Responsibility. The administration of this chapter shall be the responsibility of the Town of Signal Mountain. (as added by Ord. #2001-6, Dec. 2001)

18-741. Interpretation. In the interpretation and application of this chapter the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the Town of Signal Mountain. (as added by Ord. #2001-6, Dec. 2001)

18-742. Appeals. (1) Any person found in violation of chapter 7 may appeal such action to the stormwater appeals board.

This board will consist of the following:

- Town manager
- Town recorder
- Town engineer
- Director of water and sewers
- Director of public safety
- Building official
- Citizen representative

After hearing all the facts, the appeals board will issue a decision at the time of the hearing.

(2) The Town of Signal Mountain Town Council is hereby designated as the final appeals board for disputes arising from the application of this chapter provided the stormwater appeals board cannot resolve the dispute. The town council shall be to hear appeals where it is alleged by an appellant that there is error in any order, requirement, decision, grant or refusal made by the town in the enforcement of the provisions of this chapter. (as added by Ord. #2001-6, Dec. 2001)

18-743. Penalties for violation. (1) General. Any person, firm, organization, association, or corporation violating any of the provisions of this chapter 7, including violation of any variances granted under the authority of this chapter 7, shall be deemed guilty of a violation of a municipal ordinance and each such person or other entity shall be deemed guilty of a separate offense for each and every day or portion thereof that any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of such violation, such person or other entity may be punished by a fine of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500).

(2) Additional corrective actions. Any building or structure constructed in violation of the provisions of this chapter 7 or any use carried on in violation of this chapter 7 is hereby declared to be a nuisance per se, with any court of competent jurisdiction having the authority to determine that the owner or developer is guilty of maintaining a nuisance per se and to order such nuisance abated. In this connection, the town is hereby authorized to institute

any appropriate action of proceeding in any appropriate court to prevent, restrain, correct, or abate any violations of this chapter 7.

(3) The provisions of this chapter are in addition to and not in restriction of limitations or rights that the citizens of the Town of Signal Mountain may have under the common laws of the State of Tennessee.

(4) Any person violating any of the provisions of this chapter upon recommendations by the building official will be issued a citation by the Signal Mountain Police Department. (as added by Ord. #2001-6, Dec. 2001)

CHAPTER 8

STORMWATER UTILITY ORDINANCE¹

SECTION

- 18-801. Legislative findings and policy.
- 18-802. Creation of stormwater board and utility.
- 18-803. Definitions.
- 18-804. Funding of stormwater utility.
- 18-805. Stormwater fund.
- 18-806. Operating budget.
- 18-807. Stormwater user's fee established.
- 18-808. Rate.
- 18-809. Adjustment to stormwater user's fees.
- 18-810. Property owners to pay charges.
- 18-811. Billing procedure and penalties for late payment.
- 18-812. Appeals of fees.

18-801. Legislative findings and policy. The town council finds, determines and declares that the stormwater system which provides for the collection, treatment, storage and disposal of stormwater provides benefits and services to all property within the incorporated town limits. Such benefits include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters. (as added by Ord. #2002-4, Aug. 2002)

18-802. Creation of stormwater board and utility. For those purposes of the Federal Clean Water Act and of Tennessee Code Annotated, § 68-221-1011 et seq., there is created a stormwater utility which shall consist of a manager or director and such staff as the municipality's governing body shall authorize.

The stormwater utility, under the legislative policy and supervision and control of the stormwater management board, shall:

- (1) Administer the acquisition, design, construction, maintenance and operation of the stormwater utility system, including capital improvements designated in the capital improvement program;

¹Appendix A "Calculating Stormwater User Fees" and Appendix B to Ord. #2002-4 are of record in the recorder's office.

(2) Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility stormwater system including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;

(3) Advise the town council and other town departments on matters relating to the utility;

(4) Prepare and revise a comprehensive drainage plan for adoption by the town council;

(5) Review plans and approve or deny, inspect and accept extensions and connections to the system;

(6) Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;

(7) Annually analyze the cost of services and benefits provided, and the system and structure of fees, civil penalties and other revenues of the utility. (as added by Ord. #2002-4, Aug. 2002)

18-103. Definitions. For the purpose of this ordinance, 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 in the latest edition of Webster's Dictionary.

(1) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities;

(2) "Developed property" means real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement or other improvements.

(3) "Exempt property" means all properties of the federal, state, county, and Town of Signal Mountain governments, and any of their divisions or subdivisions, and property that does not discharge stormwater runoff into the stormwater or flood control facilities of the municipality.

(4) "Fee" or "Stormwater user's fee" means the charge established under this ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the town. The

stormwater user's fee is in addition to any other fee that the municipality has the right to charge under any other rule or regulation of the municipality.

(5) "Fiscal year" means July 1 of a calendar year to June 30 of the next calendar year, both inclusive.

(6) "Impervious surface area" means the number of square feet of horizontal surface covered by buildings and other impervious surfaces. All building measurements shall be made between exterior faces of walls, foundations, columns or other means of support or enclosure.

(7) "Impervious surface" means a surface area which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, compacted, or any other surface which impedes the natural infiltration of surface water.

(8) "Other developed property" means developed property other than single-family residential property. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, officers, and churches.

(9) "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.

(10) "Property owner" means the property owner of record as listed in the county's assessment roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

(11) "Single family residential property" means a developed property which serves the primary purpose of providing a permanent dwelling to a single family. A single family detached dwelling or a townhouse containing an accessory apartment or second dwelling unit is included in this definition.

(12) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage.

(13) "Stormwater management fund" or "fund" means the fund created by this ordinance to operate, maintain, and improve the town's stormwater system.

(14) "Stormwater management" means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading erosion, tree conservation, and sediment control.

(15) "Stormwater management board" means the Signal Mountain Town Council.

(16) "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.

(17) "User" shall mean the owner of record of property subject to the stormwater user's fee imposed by this ordinance.

(18) "Stormwater appeals board" is the board established by Town of Signal Mountain Ord. #2001-6.¹ (as added by Ord. #2002-4, Aug. 2002)

18-804. Funding of stormwater utility. Funding for the stormwater utility's activities may include, but not be limited to, the following:

(1) Stormwater user's fees.

(2) Civil penalties imposed for the violation of the town's stormwater management ordinance.

(3) Stormwater permit and inspection fees.

(4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Grant Public Obligations Act of 1986 (Tennessee Code Annotated, Title 9, Chapter 2).

To the extent that the stormwater drainage fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such town funds as may be determined by the town council. (as added by Ord. #2002-4, Aug. 2002)

18-805. Stormwater fund. All revenues generated by or on behalf of the stormwater utility, including stormwater user's fees, civil penalties for the violation of the town's stormwater management ordinance, permit and inspection fees, and interest earnings on those revenues, shall be deposited in a stormwater utility fund and used exclusively for the stormwater utility. (as added by Ord. #2002-4, Aug. 2002)

18-806. Operating budget. The town council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service. (as added by Ord. #2002-4, Aug. 2002)

18-807. Stormwater user's fees established. There shall be imposed on each and every developed property in the town, except exempt property, a stormwater user's fee, which shall be set from time to time by ordinance or resolution, and in the manner and amount prescribed by this ordinance.

Prior to establishing or amending user's fees, the town shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the town at least thirty (30) days in advance of the meeting of the stormwater management board which shall consider the adoption of the fee or its amendment. (as added by Ord. #2002-4, Aug. 2002)

¹Title 18, chapter 7 of this municipal code was added by Ord. #2001-6.

18-808. Rate. The stormwater management board shall, by ordinance or resolution, establish the rate for the stormwater user's fee. The rate shall be calculated to insure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the city. (as added by Ord. #2002-4, Aug. 2002)

18-809. Adjustment to stormwater user's fee. The stormwater utility shall have the right on its own initiative to adjust upward or downward the stormwater user's fees with respect to any property, based on any significant variation in the volume or rate of stormwater, or any significant variation in the quality of stormwater, emanating from the property, compared to other similar properties. In making determinations of the similarity of property, the stormwater utility shall take into consideration the location, geography, size, use, impervious area, stormwater facilities on the property, and any other factors that have a bearing on the variation. The stormwater utility shall make upward or downward adjustments in the stormwater user's fees, based on the approximate percentage of the variance of volume or rate of stormwater, or variance in the quality of stormwater, emanating from the property, compared to other similar properties. (as added by Ord. #2002-4, Aug. 2002)

18-810. Property owners to pay charges. The owner of each lot or parcel which directly or indirectly uses the stormwater system maintained by the town shall pay the stormwater user's fees and charges as provided in this ordinance. (as added by Ord. #2002-4, Aug. 2002)

18-811. Billing procedure and penalties for late payment. (1) The stormwater user's fee shall become effective at the rates set by a separate ordinance or resolution, shall be billed annually.

(2) The stormwater charge shall be paid in person or by mail at the town hall and shall become delinquent as of ninety (90) days following the billing. Any unpaid stormwater user's fee shall bear interest at the legal rate if it remains unpaid after ninety (90) days following the billing.

(3) Penalties for late payment. Stormwater user's fees shall be subject to a late fee of five percent per month, not to exceed twenty-five (25) percent. The town shall be entitled to recover attorney's fees incurred in collecting delinquent drainage fees. Any charge due under this ordinance which shall not be paid may be recovered at law by the town.

(4) Pursuant to Tennessee Code Annotated, § 68-221-1112, each bill that shall contain stormwater charge shall contain the following statement in bold:

THIS TAX HAS BEEN MANDATED BY CONGRESS

(as added by Ord. #2002-4, Aug. 2002)

18-812. Appeals of fees. (1) Generally. Any person who disagrees with the calculation of the stormwater user's fee, as provided in this ordinance, or who seeks a stormwater user's fee adjustment based upon stormwater management practices, may appeal such fee determination to the stormwater appeals board within thirty (30) days from the date of the last bill containing stormwater user's fee charges. Any appeal shall be filed in writing and shall state the grounds for the appeal. The stormwater appeals board chairman may request additional information from the appealing party.

(2) Upward or downward adjustments based on stormwater volume, rate or quality. Stormwater user's fee adjustments for stormwater management practices may be considered for reductions in stormwater release rates and provision of additional storage volume; improvements in stormwater quality; reductions in runoff volume including discharging to a non-town drainage system; and properly designed constructed and maintained existing detention facilities. Based upon the information provided by the utility and the appealing party, the stormwater utility shall make a final calculation of the stormwater drainage fee. The stormwater utility shall notify the parties, in writing, of its decision. (as added by Ord. #2002-4, Aug. 2002)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. GAS FRANCHISE.
2. GAS CODE.
3. ELECTRICAL CODE.

CHAPTER 1

GAS FRANCHISE

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Gas service shall be furnished for the town and its inhabitants under such franchise as the town council shall grant. The rights, powers, duties, and obligations of the town, 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. (1985 Code, § 13-301)

CHAPTER 2

GAS CODE

SECTION

- 19-201. Purpose, scope and adoption.
- 19-202. Modifications.
- 19-203. Fees.
- 19-204. Violations and penalties.

19-201. Purpose, scope and adoption. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,¹ 1988 edition with any additions which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein, and shall hereinafter be referred to as the gas code. One (1) copy of the gas code shall be kept on file in the town hall for the use and inspection of the public. (Ord. # 88-6)

19-202. Modifications. Section 114 of the gas code is hereby deleted. (1985 Code, § 4-402)

19-203. Fees. The fee schedule shall be set by the town council from time to time, shall be available in published form at the town hall, and shall be set so as to cover the cost of the gas inspection operation. (1985 Code, § 4-403)

19-204. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1985 Code, § 4-404)

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

CHAPTER 3

ELECTRICAL CODE

SECTION

- 19-301. Electrical code adopted.
- 19-302. Available in town hall.
- 19-303. Modifications.
- 19-304. Electrical inspector; authority and duties.
- 19-305. Electrical permits.
- 19-306. Electrical inspections.
- 19-307. Temporary permission to use current.
- 19-308. Fees.
- 19-309. Violations and penalties.

19-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,¹ 1984 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code, except as hereinafter modified, and is hereinafter referred to as the electrical code. (Ord. # 88-5)

19-302. Available in town hall. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502, one (1) copy of the electrical code has been placed on file in the town hall and shall be kept there for the use and inspection of the public. (Ord. # 88-5)

19-303. Modifications. Electric fences prohibited. So-called "electric fences" consisting of an electrically charged conductor or other electrically charged device intended to enclose, exclude or restrict persons or animals by electric shock shall not be installed or used regardless of its source of supply. (1985 Code, § 4-303)

19-304. Electrical inspector; authority and duties. (1) Office created. There is hereby created the office of electrical inspector, who shall have such powers and perform such duties as are prescribed in this chapter. In the

¹Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

absence of the electrical inspector, the building inspector shall be assigned his duties.

(2) General duties. The electrical inspector is authorized, empowered and directed to regulate and determine the placing of electric light and power wires in and on buildings in the town, so as to prevent fires, accidents or injuries to persons or property and to cause all electrical appliances to be so placed, constructed and guarded so as not to cause fires, accidents or endanger life or property and, wherever in the judgment of the electrical inspector, any electric wires or appliances shall be defective by reason of improper or insufficient insulation or for any other cause, the electrical inspector shall at once cause the immediate removal of the defect.

(3) General duty to make inspections. The electrical inspector shall, during the installation of the electric wiring system, make or cause inspections to be made to insure compliance with this chapter.

(4) Right of entry. The electrical inspector or his assistant shall have the right to enter any building, manhole or subway at any reasonable hour (8:00 A.M. to 6:00 P.M.) or at any hour, in case of an emergency, in the discharge of his official duty, or for the purpose of making any tests of the electrical apparatus or appliance therein contained and, for that purpose, he shall be given prompt access to all buildings, public and private, and to all manholes and subways, on application to the person owning or in charge or control of the premises. (1985 Code, § 4-304)

19-305. Electrical permits. (1) Required. No alteration or change shall be made in the wiring of any building or premises, nor shall any building or premises be wired for the placing of electric lights, motors, signs or devices, without first securing from the electrical inspector or competent person delegated, a permit therefor. No change shall be made in the electric installation after inspection without notifying the electrical inspector and securing a permit therefor.

(2) Application. A permit required by this chapter shall be issued only upon written application therefor to the town. All applications for permits shall be made by and in the name of the licensed electrical contractor undertaking to do the work proposed and also in the name of the person with whom or by whom the contractor is associated or employed.

(3) Persons eligible for permits. No application for a permit required by this chapter shall be received, or permit issued, unless the applicant is authorized by law to engage in the business of or to hold themselves out to the public as engaging in the business of installing, erecting, repairing or contracting to install, erect or repair, electric wires or conductors to be used for the transmission of electric current for electric light, heat or power purposes or to install, erect or repair electric motors, heating devices or other electrical apparatus or appliances, for the doing of which the permit is required. (1985 Code, § 4-305)

19-306. Electrical inspections. (1) Generally. The electrical inspector shall, within a reasonable time after notice of completion of electrical wiring for which a permit is required by this chapter, make or cause to be made an inspection of such work and such tests as may be necessary to determine that it conforms with this chapter.

(2) Covering uninspected work. No work in connection with an electrical wiring system shall be covered or concealed until it has been inspected as prescribed in this chapter and permission to cover the work has been given by the electrical inspector.

(3) Notice when work ready for inspection; inspection, approval. Upon completion of the wiring of any building and of the wiring of signs before installation, it shall be the duty of the person doing the wiring to notify the electrical inspector, who shall at once inspect the wiring and, if approved by him, shall issue a certificate of satisfactory inspection, which shall contain the date of the inspection. The approval for signs shall be shown on the approved town sign label, but no such certificate or label shall be issued unless the electric light, power, sign or heating installation and all apparatus, and wiring connected with it shall be in strict conformity with this chapter; nor shall current be turned on such installations until said certificate or label be issued.

(4) Reinspecting existing wiring. The chief electrical inspector shall make or cause to be made a reinspection of an existing electric wiring installation whenever he deems it necessary in the interest of public safety.

(5) Condemning defective wiring. If an electric wiring system upon reinspection is found to be defective and unsafe, the electrical inspector shall revoke all certificates in effect at that time relating to the system and the use of such system shall be discontinued until it has been made to conform to this chapter and a new certificate has been issued by the electrical inspector.

(6) Notice and correction of defects. (a) Reinspections. If the building official or his duly authorized representative shall upon his inspection after completion of the work or apparatus, find the same does not conform to and comply with the provisions of this code, he shall notify the contractor, indicating the corrections required; and when he shall be notified that the corrections have been made, he shall then again inspect the work or apparatus without further charge.

When extra inspections are necessary due to any of the following reasons, a charge can be made for each reinspection.

- (1) Wrong address.
- (2) Work not ready for inspection when called.
- (3) Repairs or corrections not made when inspection is called.
- (4) Condemned work, resulting from faulty work.

(b) It shall be unlawful for any person to fail to contact the electrical inspection department within ten (10) days after receiving a notice to correct a defect as required by this section. (1985 Code, § 4-306)

19-307. Temporary permission to use current. The electrical inspector may, in his discretion, give temporary permission for a reasonable time, to supply and use current in part of an electrical installation before such installation has been fully completed and the certificate issued. (1985 Code, § 4-307)

19-308. Fees. The fee schedule shall be set by the town council from time to time, shall be available in published form at the town hall, and shall be set to cover the cost of the electrical inspection operation. (1985 Code, § 4-308)

19-309. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the electric code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1985 Code, § 4-309)

TITLE 20

MISCELLANEOUS

CHAPTER

1. TELEPHONE SERVICE.
2. CABLE TELEVISION.
3. AIR POLLUTION CONTROL ORDINANCE.
4. PLACEMENT OF MAILBOXES.

CHAPTER 1

TELEPHONE SERVICE¹

SECTION

20-101. To be furnished under franchise.

20-101. To be furnished under franchise. Telephone service shall be furnished for the town and its inhabitants under such franchise as the town council shall grant. The rights, powers, duties, and obligations of the town, 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. (1985 Code, § 13-401)

¹The last telephone service franchise of record was granted to the South Central Bell Telephone Company by ord. of May 8. The telephone service franchise is of record in the town hall.

CHAPTER 2

CABLE TELEVISION¹

SECTION

20-201. To be furnished under franchise.

20-202. Definitions.

20-203. Regulation of rates charged for cable television service and equipment.

20-201. To be furnished under franchise. Cable television shall be furnished for the town and its inhabitants under such franchise as the town council shall grant. The rights, powers, duties, and obligations of the town, 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. (1985 Code, § 13-501)

20-202. Definitions. Whenever the regulations cited in section 20-203 refer to "franchising authority", it shall be deemed to be a reference to the Council of the Town of Signal Mountain. (as added by Ord. #93-18, § 1, Dec. 1993)

20-203. Regulation of rates charged for cable television service and equipment. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said act certifying the town to regulate basic cable television service within the boundaries of the town; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the town, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (as added by Ord. #93-18, § 1, Dec. 1993)

¹A cable television franchise was granted to Chattanooga Cable TV Company by ordinance on July 17, 1978, which ordinance was amended by ordinance on April 28, 1980 and August 26, 1983. The latter ordinances provided for the succession of Chattanooga Cable TV Company by Telescripps Cable Company in August 1983. Ord. No. 92-21, November 9, 1992 is an ordinance granting to Telescripps Cable Company a franchise for the term of sixteen (16) years. Ord. No. 96-3 (April 1996) is an ordinance transferring the control of the Grantee to Comcast. Ord. No. 97-8 (July 1997) is an ordinance approving the transfer of control of the Grantee from Ralph J. Roberts to Brian L. Roberts. These ordinances are of record in the town hall.

CHAPTER 3

AIR POLLUTION CONTROL ORDINANCE

SECTION

20-301. The Signal Mountain Air Pollution Control Ordinance.

20-301. The Signal Mountain Air Pollution Control Ordinance. Be it ordained by the town council of the Town of Signal Mountain, Tennessee that all existing Air Pollution Control Ordinances of the Town of Signal Mountain, Tennessee be and are hereby repealed and in lieu thereof there is hereby adopted an ordinance to be known and cited as, "The Signal Mountain Air Pollution Control Ordinance."¹ Said ordinance is incorporated herein as fully as if set out at length herein and the provisions thereof shall be controlling within the limits of the town. No less than three (3) copies of this ordinance shall be kept on file at the Town Hall, Signal Mountain, Tennessee. (Ord. # 87-12, Nov. 1987)

¹See Ords. #93-2, March 1993; #96-2, March 1996; and #2000-8 and #2000-9, June 2000, which are of record in the town hall, for amendments to the Signal Mountain Air Pollution Control Ordinance.

CHAPTER 4

PLACEMENT OF MAILBOXES

SECTION

20-401. Placement of mailboxes.

20-401. Placement of mailboxes. When the United States Postal Service requires residential mailboxes to be located on only one side of a street for delivery efficiency, the property owner or tenant of the property receiving the mailbox and the property owner or tenant of the property sending the mailbox across the street shall meet to attempt to reach agreement as to where the sending property's mailbox shall be located. In the event these two parties cannot reach agreement, the town manager shall hear both parties and determine the placement of the sending property's mailbox:

- (1) within the limits of the postal regulations;
- (2) not over the street pavement; and
- (3) not to exceed 50 feet outside of the two imaginary points where the sending property owner's side lot lines intersect with the receiving owner's front property line. (Ord. #97-5, § 1, June 1997)