

**THE
DANDRIDGE
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

July 1995

Change 4, June 22, 2004

TOWN OF DANDRIDGE, TENNESSEE

MAYOR

David C. Jones

VICE MAYOR

George Gantte

ALDERMEN

Roy Brown
Mike Chambers
Pam Farrar
Todd Kesterson
Dan Noe

CITY ADMINISTRATOR

Angie Carrier

RECORDER

Karen Richardson

PREFACE

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

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

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

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

Steve Lobertini
Legal Consultant

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
TOWN CHARTER¹**

¹The Dandridge town charter contains no provisions on the ordinance adoption procedures. See title 1 for passage, etc. of ordinances.

ORDINANCE NO. 95/96-4**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF DANDRIDGE TENNESSEE.**

WHEREAS some of the ordinances of the Town of Dandridge are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the Town of Dandridge, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Dandridge Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF DANDRIDGE, TENNESSEE, THAT:

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

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

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

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

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

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

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

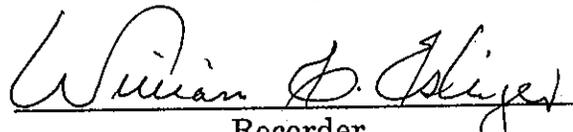
Passed 1st reading, November 7, 1995.

Passed 2nd reading, November 7, 1995.

Passed 3rd reading, December 5, 1995.



Mayor



Recorder

File Card # 286

ORDINANCE NO. 99/00-2

AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTAL AND REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE TOWN OF DANDRIDGE, TENNESSEE.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF DANDRIDGE, TENNESSEE, THAT:

Section 1. Ordinances codified. The supplemental and replacement pages contained in Change 1 to the Town of Dandridge Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the Town of Dandridge Municipal Code.

Change 1 includes revisions required to the municipal code when considering Ordinance Number 94/95-5 (June 1995) through Ordinance Number 98/99-17 (December 1998). Code sections affected by these ordinances contain citations to the amending ordinance at the end of the code section.

Section 2. Continuation of existing provisions. Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the supplement, including any codes and ordinances adopted by reference, any act is prohibited or is made or declared to be a civil offense, or wherever the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision shall be punishable by a penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the supplement or the municipal code or other applicable law. In any place in the supplement the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this supplement, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term

appears in the context of a penalty provision of this supplement, it shall mean "a civil penalty."¹

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

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

Section 4. Severability clause. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 5. Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 6. Code available for public use. A copy of the supplement shall be kept available in the recorder's office for public use and inspection at all reasonable times.

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

Section 7. Date of effect. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Passed 1st reading July 13, 19 99.

Passed 2nd reading July 13, 19 99.

Passed 3rd reading August 10, 19 99.

David C. Jones
Mayor
John R. Katz
Recorder

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Meetings.
- 1-102. Quorum; votes required for passage of ordinances, etc.
- 1-103. Order of business.
- 1-104. Introduction of business.
- 1-105. Rules of procedure.
- 1-106. Right to enter dissent on minutes.
- 1-107. Claims against the town.
- 1-108. Passage of ordinances.
- 1-109. Amendment or repeal of ordinances.
- 1-110. Passage of resolutions, etc.
- 1-111. Reports, resolutions, etc., to be filed, etc.
- 1-112. Appointment of special committees.

¹Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Corporate powers: § 11.

Oath: § 4.

Qualifications: § 4.

Term of office: § 3.

- 1-113. Absence without leave of members prohibited.
- 1-114. Occupation of floor restricted to members generally.
- 1-115. Transaction of business at special meetings limited.
- 1-116. Suspension of rules.
- 1-117. Absence of standing rule.
- 1-118. Vacancies.
- 1-119. Salary of mayor and aldermen.

1-101. Meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:30 P.M., on the second Tuesday of each month at the town hall. Special meetings may be called by the mayor or any two (2) aldermen. (1981 Code, § 1-101, as amended by Ord. #98/99-18, Feb. 1999)

1-102. Quorum; votes required for passage of ordinances, etc. Four (4) members of the board of mayor and aldermen shall constitute a quorum. If the mayor is absent, the members present shall appoint one of their number to preside. The votes of at least three (3) members shall be required for the passage of any measure by the board of mayor and aldermen. (1981 Code, § 1-102)

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

- (1) Call to order by the mayor, or in his absence, the recorder if present, or if otherwise any member may call the meeting to order.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Presentation of petitions, memorials, remonstrances, and communications.
- (5) Presentation of accounts and other claims against the town.
- (6) Business presented by the mayor.
- (7) Reports of officers.
- (8) Reports of committees.
- (9) Presentation of ordinances and resolutions.
- (10) Old business.
- (11) New business.
- (12) Miscellaneous. (1981 Code, § 1-103)

1-104. Introduction of business. All ordinances, resolutions, memorials, or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the recorder and shall be read by him to the board of mayor and aldermen. The committee to which any matter

has been referred shall report thereon to the board of mayor and aldermen in writing at the first stated meeting after such reference unless no opposition is raised to further consideration by such committee.

Proposed resolutions, ordinances, and other such communications shall be filed with the recorder not later than 12:00 noon on Monday prior to the meeting of the board of mayor and aldermen on the following Tuesday. Prior to the introduction to the board of mayor and aldermen of the aforesaid proposals, the recorder shall provide a copy of such resolutions, ordinances, memorials, and other communications for each member. The recorder shall mail or cause to be delivered a copy of any such proposal to each member, upon request in the form of a motion being filed by any member. (1981 Code, § 1-104)

1-105. Rules of procedure. The following rules of procedure shall regulate business before the board of mayor and aldermen:

(1) The presiding officer of the board of mayor and alderman shall be the mayor or such person designated by the board to serve in his absence. He shall be charged with the responsibility of deciding questions of order and matters of decorum subject to appeal to the board of mayor and aldermen.

(2) Motions shall not be entertained before debate nor be withdrawn after being read or stated. The recorder shall read all written motions and the presiding officer shall state all other motions to the board of mayor and aldermen.

(3) Motions having priority over all other motions shall have precedence in the order that follows:

- (a) To adjourn,
- (b) Lay on table,
- (c) The previous question,
- (d) To refer and to amend.

(4) The previous question shall be admitted on demand of three members. It shall preclude all further amendments or debate except pending amendments to the main question, and shall be stated in the following words: "Shall the main question be now put?"

(5) Division of any question before the board may be made when such division may be effected without destroying the coherence of the question.

(6) Recognition of a member who desires to speak is made by his respectful address to the presiding officer. Such officer shall acknowledge the member of his right to the floor by stating his name.

(7) A limit on debate or speech of any member shall be ten (10) minutes for any one time and not more than two (2) times on any one question without the consent of at least three (3) members present.

(8) Voting on any question shall be controlled by the following requirements:

- (a) Each member shall vote on all questions before the board unless excused by the presiding officer.

(b) An affirmative vote of the majority of the board of mayor and aldermen shall be required for any question to carry.

(c) Roll call shall be made in alphabetical order.

(d) No member shall have the right to explain the reason for his vote during roll call of members.

(e) Members shall vote "aye" to express affirmation and vote "no" to express a negative vote.

(f) Reconsideration of any question that passed may be moved by any member who voted in the affirmative, and reconsideration of any question that failed may be moved by any member who voted in the negative. Reconsideration of a question will not lie if the same results can be accomplished by another motion. Upon failure to carry, a motion to reconsider shall not be in order again.

(g) The form of all questions shall be as follows:
"As many as are of the opinion that _____, say Aye; contrary No." If doubt arises as to the result of a vote, the presiding officer or any other member may request a roll call vote. (1981 Code, § 1-105)

1-106. Right to enter dissent on minutes. Any member of the board of mayor and aldermen shall have the right to enter on the minutes his reasons for dissent from or protest against any action of the board. (1981 Code, § 1-106)

1-107. Claims against the town. No account or other demand against the town shall be allowed until the same has been considered and reported by the board or mayor and aldermen. (1981 Code, § 1-107)

1-108. Passage of ordinances. All ordinances shall have three (3) separate readings; however, the second and third reading shall not be held on the same day. Any report from a committee relating to an ordinance shall stand for final action on the day it is presented although such report offers an amended or substitute ordinance, provided that such amendment or substitution is germane to the original ordinance referred to the committee. (1981 Code, § 1-108)

1-109. Amendment or repeal of ordinances. Amending ordinances are to be preferred over repealing ordinances. All amending or repealing ordinances shall contain the title of the ordinance or section of an ordinance so amended or repealed. (1981 Code, § 1-109)

1-110. Passage of resolutions, etc. All resolutions for appropriation of money shall first be referred to a committee for study. Such resolutions shall stand for immediate consideration only upon the assent of a majority of the members of the board of mayor and aldermen. Any resolution providing for the appropriation of revenue shall designate the particular fund from which the

appropriation is to be made. A motion for immediate consideration of any resolution shall be placed before the board of mayor and aldermen in the following language by the presiding officer: "Is there any objection to the immediate consideration of this resolution?" No objection to the resolution shall be recorded by the recorder as a unanimous vote in favor of the motion. (1981 Code, § 1-110)

1-111. Reports, resolutions, etc., to be filed, etc. Any report of the committee of the whole shall be in writing and all reports, resolutions, accounts, and petitions shall be filed with the recorder and entered upon the minutes. (1981 Code, § 1-111)

1-112. Appointment of special committees. Unless otherwise directed by the board of mayor and alderman, all special committees shall be appointed by the presiding officer. (1981 Code, § 1-112)

1-113. Absence without leave of members prohibited. No member shall depart from any session of the board of mayor and aldermen without first obtaining leave from such board. Unauthorized leave shall subject any member to a fine of five dollars (\$5.00) to be imposed in the discretion of the board of mayor and aldermen. (1981 Code, § 1-113)

1-114. Occupation of floor restricted to members generally. Only officers and members of the board of mayor and aldermen shall be permitted to occupy the floor, except with the consent of the presiding officer. (1981 Code, § 1-114)

1-115. Transaction of business at special meetings limited. No business shall be transacted at any special meeting except that for which the meeting was called unless by unanimous consent of the board of mayor and aldermen. (1981 Code, § 1-115)

1-116. Suspension of rules. A member upon stating the particular standing rule to which his motion is based, may move for a suspension of the rules. If any objection is raised, the motion shall be put to a vote. If no objection is made, the recorder shall record a unanimous consent. Otherwise, the rules shall not be altered, amended, or suspended except with the assent of not less than four (4) members. (1981 Code, § 1-116)

1-117. Absence of standing rule. In absence of a standing rule, the board of mayor and aldermen shall be guided by Robert's Rules of Order, Newly Revised. (1981 Code, § 1-117, modified)

1-118. Vacancies. The board of mayor and aldermen shall fill any vacancies which occur in the office of mayor, alderman, or recorder at its next regular or special meeting for the remainder of the unexpired term. A two-thirds (2/3) vote of the board of mayor and aldermen shall be required to fill any such vacancy. (1981 Code, § 1-118)

1-119. Salary of mayor and aldermen. Effective December 1, 2000, the salary of each alderman shall be one hundred fifty dollars (\$150.00) per month and the salary of the mayor shall be three hundred dollars (\$300.00) per month. (as added by Ord. #98/99-23, June 1999)

CHAPTER 2

MAYOR¹

SECTION

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-203. Appointment of committees.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1981 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1981 Code, § 1-202)

1-203. Appointment of committees. The mayor, with the approval of the board of mayor and aldermen, may appoint such committees of that body as may be needed from time to time. (1981 Code, § 1-203)

¹Charter references

Duties: § 5.

Oath: § 4.

Qualifications: § 4.

Term of office: § 3.

Vacancy in office: § 6.

Veto power: § 5.

CHAPTER 3**RECORDER¹****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder shall be bonded in the sum of fifty thousand dollars (\$50,000.00), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office. (1981 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1981 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1981 Code, § 1-303)

¹Charter references

Bond: § 4.

Compensation: § 8.

Powers: § 8.

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. MEMBERSHIP AND APPOINTMENT.

CHAPTER 1

MEMBERSHIP AND APPOINTMENT

SECTION

2-101. Members appointment.

2-102. Ex officio members.

2-103. Attendance.

2-101. Members appointment. All appointed members of all Dandridge Boards and Commissions shall be appointed by the mayor and approved by a majority of the Dandridge Board of Mayor and Alderman. (as added by Ord. #96/97-11, March 1997)

2-102. Ex officio members. Each Dandridge Board and Commission shall have at least one member of the board of mayor and alderman serving on the commission. The mayor will serve on the planning commission. Service on other boards by the mayor will require a majority vote of the alderman. (as added by Ord. #96/97-11, March 1997)

2-103. Attendance. Membership on boards and commissions requires regular attendance at all regularly scheduled and special called meetings.

Any member of any board or commission who misses three (3) meetings in a row, or half of the meetings in a one year period shall be subjected to removal from said board or commission by majority vote of the board of mayor and alderman. (as added by Ord. #96/97-11, March 1997)

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the town shall preside over the city court and shall be known as the city judge. (1981 Code, § 1-501)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines and costs.

3-203. Disposition and report of fines and costs.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1981 Code, § 1-502)

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

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in general sessions courts¹ for similar work in state cases. (1981 Code, § 1-508)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1981 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1981 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply

¹State law reference

Tennessee Code Annotated, § 8-21-401.

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. (1981 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1981 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1981 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1981 Code, § 1-505)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. Any person making such bond shall forfeit the same unless he appears in court on the hour and the day designated. Such forfeiture shall be paid into the general fund of the city. (1981 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1981 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1981 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. MISCELLANEOUS PERSONNEL REGULATIONS.
3. TRAVEL REIMBURSEMENT REGULATIONS.
4. ALCOHOL AND DRUG POLICY.
5. PERSONNEL HANDBOOK.

CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-106. Exclusions.
- 4-107. Inclusion of part-time, executive, and fee-basis employees.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Dandridge, Tennessee, to extend at the earliest date, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. 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. (1981 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor of the Town of Dandridge, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1981 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1981 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions; which shall be paid over to the state or federal agency designated by said laws or regulations. (1981 Code, § 1-704)

4-105. Records and reports. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1981 Code, § 1-705)

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

There is hereby excluded from this chapter any authority to make any agreement with respect to any position, employee, or official not authorized to be covered by applicable federal and state laws or regulations. There is also hereby excluded from this chapter any authority to make any agreement with respect to any elective official rendering "legislative" services and "judicial" services.

Notwithstanding any provision(s) heretofore contained in the Social Security Agreement between said parties, it is now the intent and purpose of said Board of Mayor and Alderman of the Town of Dandridge to amend the Social Security Agreement by and between the Town of Dandridge, Tennessee and the State Old Age and Survivors Insurance Agency, to exclude from its coverage group under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of election workers and election officials if the remuneration paid for such services in a calendar year is less than \$1,000.00 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount thereafter determined under Section 218(c)(8)(B) of the Social Security Act, for any calendar year commencing on or after January 1, 2000.

The exclusion for such services is to be effective with respect to the services performed during any calendar year in which a state's modification is mailed, or delivered by other means, to the appropriate federal official by the

Director of Old Age and Survivors Insurance Agency, State of Tennessee. (1981 Code, § 1-706, as amended by Ord. #94/95-3, Jan. 1995)

4-107. Inclusion of part-time, executive, and fee-basis employees.

Acting under § 4-102, the mayor is directed to amend the social security agreement of January 1, 1956, so as to extend the benefits of the system of federal old age and survivors insurance to include employees and officials engaged in rendering services in part-time positions as of October 1, 1974, and to include employees and officials rendering services in elective "executive" positions and in part-time and full time fee-basis positions as of July 1, 1975. (1981 Code, § 1-707)

CHAPTER 2

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

- 4-201. Business dealings.
- 4-202. Acceptance of gratuities.
- 4-203. Outside employment.
- 4-204. Political activity.
- 4-205. Use of municipal time, facilities, etc.
- 4-206. Use of position.
- 4-207. Strikes and unions.
- 4-208. Conflicts of interest.
- 4-209. Insurance for early retirees.

4-201. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town. (1981 Code, § 1-802)

4-202. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1981 Code, § 1-803)

4-203. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the town. (1981 Code, § 1-804)

4-204. Political activity. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1981 Code, § 1-805, modified)

4-205. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services. (1981 Code, § 1-806)

4-206. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1981 Code, § 1-807)

4-207. Strikes and unions. No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1981 Code, § 1-808)

4-208. Conflicts of interest.¹ It shall be a conflict of interest for any elected official, employee, appointee, or other officer or other person whose duty it is to vote for, let out, overlook or in any manner to superintend any work or contract in which any entity of the town may be directly or indirectly interested to have any personal interest, monetary gain, or any interest other than the public welfare in such project, work, or contract, either directly, indirectly, or any other way.

If such a conflict of interest arises, the officer, committeeman, director, or other person must immediately notify the entity of which he or she is a member of such conflict and abstain from any vote on issues arising from or creating said conflict.

If any person should fail to disclose such conflict or abstain from voting on such conflict, they shall be removed from office by majority vote of the board of mayor and aldermen. (1981 Code, § 1-801)

4-209. Insurance for early retirees. (1) Any employee who has attained the age of sixty-two (62) years of age and having attained twenty (20) years of service with the town shall, who opts to take early retirement and have their medical and hospitalization insurance paid on themselves only until they reach the age of sixty-five (65) years.

¹State law references

Tennessee Code Annotated, §§ 6-54-107 and 12-4-101.

(2) Payments made on behalf of the employee as a retirement incentive shall not constitute wages or payments in lieu of wages and shall not be subject to withholding for, or payment of, pension contributions. (as added by Ord. #95/96-11, June 1996)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Enforcement.
- 4-302. Travel policy.
- 4-303. Travel reimbursement rate schedule.
- 4-304. Administrative procedures.

4-301. Enforcement. The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #93/94-5, Sept. 1993)

4-302. 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 are not ordinarily considered eligible expenses for reimbursement. (Ord. #93/94-5, Sept. 1993)

4-303. 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 town may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #93/94-5, Sept. 1993)

4-304. 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 recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #93/94-5, Sept. 1993)

CHAPTER 4

ALCOHOL AND DRUG POLICY

SECTION

- 4-401. Drugs to be tested for.
- 4-402. Job applicant testing: general standard.
- 4-403. Current employee testing: general standard.
- 4-404. Supervisor training.
- 4-405. Prior notice of testing policy.
- 4-406. Consent.
- 4-407. Refusal to consent: applicants.
- 4-408. Refusal to consent: employees.
- 4-409. Independent testing.
- 4-410. Consequences of a confirmed positive test result.
- 4-411. The right to a hearing.
- 4-412. Mandatory EAP referral.
- 4-413. Confidentiality of test results.
- 4-414. Laboratory testing requirements.
- 4-415. Alcohol and drug abuse policy.

4-401. Drugs to be tested for. When drug and alcohol screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drug groups:

- (1) Alcohol (ethyl)
- (2) Amphetamines (e.g. speed)
- (3) Barbituates (e.g. amobarbital, butabarbital, phenobarbital, secobarbital)
- (4) Cocaine
- (5) Methaqualone (e.g. quaalude)
- (6) Opiates and opium derivatives (e.g. codeine, heroin, morphine, hydromorphone, hydrocodone)
- (7) Pencyclidine (PCP)
- (8) THC (marijuana)
- (9) Any other narcotic drug, stimulant or depressant which would be violative of the State of Tennessee criminal statutes as defined in the Tennessee Drug Control Act (T.C.A. § 39-17-401 et. seq.) if taken or possessed without a valid prescription. (Ord. #97/98-28, May 1998)

4-402. Job applicant testing: general standard. Applicants for the following classes¹ will be required to undergo a drug and alcohol test upon an offer of employment and prior to their final appointment. (Ord. #97/98-28, May 1998)

4-403. Current employee testing: general standard. The town may require a current town employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- (1) A pattern of abnormal or erratic behavior;
- (2) Information provided by a reliable and credible source;
- (3) A work-related accident;
- (4) Direct observation of drug or alcohol use; or
- (5) Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

Supervisors are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee. (Ord. #97/98-28, May 1998)

4-404. Supervisor training. The town shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors recognize the conduct and behavior that give rise to a reasonable suspicion of drug or alcohol use. (Ord. #97/98-28, May 1998)

4-405. Prior notice of testing policy. The town shall provide written notice of its drug and alcohol testing policy to all employees and job applicants. The notice shall contain the following information:

- (1) The need for drug and alcohol testing;
- (2) The circumstances under which testing may be required;
- (3) The procedure for confirming an initial positive drug test result;
- (4) The consequences of a confirmed positive test result;
- (5) The consequences of refusing to undergo a drug and alcohol test;

¹This section was taken from Ordinance No. 97/98-28 (May 1998). This is how this section appeared in the ordinance.

(6) The right to explain a positive test result and the appeal procedures available; and

(7) The availability of drug abuse counseling and referral services. (Ord. #97/98-28, May 1998)

4-406. Consent. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those town officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the town's drug testing policy and to indicate current or recent use of prescription or over-the-counter medication.

The medication form shall also set forth the following information:

(1) The procedure for confirming an initial positive test result;

(2) The consequences of a confirmed positive test result;

(3) The right to explain a confirmed positive test result and the appeal procedures available; and

(4) The consequences of refusing to undergo a drug and alcohol test. (Ord. #97/98-28, May 1998)

4-407. Refusal to consent: applicants. A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the town. (Ord. #97/98-28, May 1998)

4-408. Refusal to consent: employees. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. (Ord. #97/98-28, May 1998)

4-409. Independent testing. An employee or job applicant who is requested to be drug tested may obtain an independent test at his own expense. If said employee or job applicant desires an independent test he may request of the drawer of blood that a second vial of blood be drawn at the same time the initial vial is drawn and take it to a certified laboratory of his own choosing for testing. (Ord. #97/98-28, May 1998)

4-410. Consequences of a confirmed positive test result.

(1) Applicants. Job applicants will be denied employment with the town if their initial positive test results have been confirmed. Applicant's shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

(2) Employees. If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate

disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions. No disciplinary action may be taken against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the town's employee assistance program, and thereafter refrain from violating the town's policy on drug and alcohol abuse. (Ord. #97/98-28, May 1998)

4-411. The right to a hearing. If an employee's positive test result has been confirmed, the employee is entitled to a hearing before any disciplinary action may be taken by the town. The employee must make a written request for a hearing to the appropriate department head or designee within _____¹ days of receipt by the employee of the confirmation test results. Employees may be represented by legal counsel, present evidence and witnesses on their behalf, and confront and cross-examine the evidence and witnesses used against them.

No adverse personnel action may be taken against an employee based on a confirmed positive drug test result unless the hearing officer finds by a preponderance of the evidence that:

- (1) The employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job; and
- (2) The employee's drug test results are accurate.

Within ten (10) days following the close of the hearing, the hearing officer shall issue a written decision and a brief summary of the facts and evidence supporting that decision. (Ord. #97/98-28, May 1998)

4-412. Mandatory EAP referral. Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the town shall refer that employee to an employee assistance program for assessment, counseling, and rehabilitation. Participation in an EAP is voluntary and no disciplinary action may be taken against an employee for failure to begin or complete an EAP program. Disciplinary action based on a violation of the town's drug and alcohol policy is not automatically suspended by an employee's participation in an EAP and may be imposed when warranted. (Ord. #97/98-28, May 1998)

4-413. Confidentiality of test results. All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed. The

¹Ordinance No. 97/98-28 from which this section was taken has a blank here.

records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. (Ord. #97/98-28, May 1998)

4-414. Laboratory testing requirements. All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the town. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the town in selecting a testing facility include:

- (1) Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- (2) Methods of analysis which ensure reliable test resulting;
- (3) Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
- (4) Retention and storage procedures which ensure reliable results on confirmatory tests of original samples. (Ord. #97/98-28, May 1998)

4-415. Alcohol and drug abuse policy. (1) Scope. The Town of Dandridge is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the citizens we serve as well as the general public. The town also is dedicated to operating in a responsible and efficient manner for the benefit of our citizens. The town is further committed to compliance with all applicable laws and regulations, including but not limited to the Drug-Free Workplace Act of 1988.

The town recognizes that drug abuse presents a major problem throughout our society and that the town is not immune from this societal problem. The use of illegal drugs, by town employees not only threatens the health and safety of fellow employees, our citizens and the public, but also results in increased costs in the form of lost productivity, high absenteeism, tardiness, excessive sick leave, excessive health care costs, accidents on the job and lower morale of other employees who must do the work of the substance abusers. Our goal is to provide the safest and most efficient working environment we can provide, to make adequate provisions for the safety and health of our employees, and to preserve the confidence placed in the town by our employees and the public.

As part of the town's effort to achieve the foregoing health, safety and efficiency goals, and as a step in compliance with the aforesaid laws and regulations, the town has developed the following drug abuse policy. This policy will be communicated to each employee on the effective date hereof or as soon thereafter as reasonably practicable.

The town also recognizes that alcohol abuse threatens the health and well-being of its employees and the safety of fellow employees and the public.

(2) Policy. The unlawful use, manufacture, possession, distribution, or sale of controlled substances or alcohol while on town properties, while on duty for regularly scheduled or emergency work, while operating town vehicles or equipment, or off the job so as to affect the employee's job performance or integrity on the job as a representative of the town is strictly prohibited. Violation of this policy will lead to disciplinary action up to and including discharge. An amount of an illegal drug or alcohol in an individual's body equal to or higher than the cut-off level as detected by a drug or alcohol test, for the purpose of this policy, is considered to be use of drugs by the individual.

Employees who must use drugs prescribed by a physician which may lead to a violation of this policy or which may affect their ability to perform their assigned duties in a safe and efficient manner must inform their supervisor prior to the start or resumption of work.

Any employee who reasonably appears to have consumed drugs and/or alcohol while on duty or to be under the influence of the same while on duty will be subject to drug and alcohol testing.

Nothing in this policy shall be deemed to preclude the town from taking immediate steps to terminate any employee found to be in violation of any part of this policy.

(3) Employee assistance program. Employees are reminded that the town has an employee assistance program that provides assistance for many kinds of problems, among which are alcohol and drugs. With the requirements of federal laws and regulations, the town must know if there is someone in the workforce that is subject to abusing drugs and alcohol in the workplace or may be impaired, under the influence, or using drugs and alcohol at work. Confidential counseling remains a service of the employees assistance program. However, if an employee is referred for inpatient or outpatient alcohol/drug rehabilitation, it will cease to be confidential. The employee will be required to sign a release so that information may be provided to the town from the rehabilitation program as to the employee's participation, progress, etc.

(4) Drug free awareness program. To assist employees to understand and avoid the perils of drug and alcohol abuse, the town will develop a drug free awareness program. The town will use that program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may effect the workplace. The drug free awareness program will inform employees that:

- (a) The dangers of drug and alcohol abuse in the workplace.
- (b) The town's drug and alcohol abuse policies,
- (c) The availability of treatment and counseling for employees who voluntarily seek such assistance, and
- (d) The sanctions the town will impose for violations of its drug and alcohol abuse policies.

(5) Pre-employment testing. In the furtherance of achieving our goals as enumerated above, all applicants being considered for employment for positions identified by the town as being related to safety and security,

operation of town vehicles and/or equipment, construction, maintenance, grounds maintenance, customer service or critical technical positions will be required to submit to a urinalysis test for the use of illegal drugs, as a part of the currently required pre-employment physical.

Urine specimens will be screened for the following drugs or classes of drugs and alcohol.

- | | | |
|------------------|--------------------|---------------|
| 1. Marijuana | 7. Methamphetamine | 13. Darvon |
| 2. Cocaine | 8. Phenobarbital | 14. Methadone |
| 3. Opiates | 9. Secobarbital | 15. Morphine |
| 4. Phencyclidine | 10. Amobarbital | 16. Codeine |
| 5. Amphetamines | 11. Butalbital | 17. PCP |
| 6. Valium | 12. Ethane alcohol | |

Procedures for taking these specimens and handling of specimens will be in accordance with the procedures which have been developed as a part of the town's drug and alcohol abuse program and are hereby referenced and made a part of this policy the same as if they had been fully copied herein. Applicants for positions which require testing will be given a copy of this policy in advance of the pre-employment physical and may obtain a copy of the above procedures upon request.

Applicants will be requested to complete and sign a form on which they are asked to disclose the use of any prescriptive medicine, over-the-counter drugs or any other condition which might effect the results of the above tests. This will enable the town to determine whether these medications or conditions are the cause of any abnormal test result that might occur. Applicants will also be required to sign the necessary authorization forms which permit the town to perform the proper drug tests and allow the town to be advised of the results.

Applicants will acknowledge having read or had this policy explained to them and should understand that as a condition of employment they are subject to its contents. An applicant refusing to undergo the drug testing or refusing to complete the questionnaire or authorizations will not be considered a valid candidate for employment at the town.

Applicants who test positive on the drug test or who refuse to take the test will not be hired and will not be eligible to be considered for employment at the town for a period of six months or until the applicant shows proof of successful completion of a drug rehabilitation program. An applicant who is hired under these conditions must agree as a part of that individual's employment conditions to be subject to random testing during the probationary period prior to gaining civil service status.

(6) Reasonable suspicion testing. Whenever the town reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by prohibited drugs or alcohol, or than an employee has otherwise violated the town's alcohol and drug abuse policy, the town may

require the employee to submit to a breath, urine and/or blood sample for drug and alcohol testing.

"Prohibited drugs," for purpose of reasonable suspicion testing, means the same drugs or classes of drugs listed in paragraph (5) above, in which case testing will be in accordance with those regulations.

Reasonable suspicion sufficient to test will be based on a reasonable and clear belief that the employee is using a prohibited drug, and is otherwise in violation of the town's alcohol and drug abuse policy based on specific, current, or continuing physical, behavioral, or performance indicators of probable drug use, or information provided by a reliable and credible source.

Suspicion sufficient to justify drug testing may be based on, but not limited to, direct observation by a supervisor of symptoms of drug use such as slurred speech, unsteady walk, impaired coordination, or displays of violent behavior, argumentative, or improperly talkative, loud or uncontrolled laughter, or based upon information provided by reliable and credible sources, or based on job performance behaviors over a period of time where continued deterioration of job performance has resulted in a pattern of events identifiable with drug abuse, or based upon the reasonable suspicion of the medical review officer, following a return to work examination, that the employee may be in violation of the town's alcohol and drug abuse policy.

When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that the employee is in violation of the alcohol and drug abuse policy, the supervisor should follow the guidelines in the procedures for reasonable suspicion testing which are hereby referenced and made a part of this policy the same as if they had been fully copied herein.

An employee who is required to submit to drug/alcohol testing for reasonable suspicion and refuses will be charged with insubordination and necessary procedures taken to discharge the employee.

Reasonable suspicion sufficient to justify a search may be based upon a clear and reasonable belief, through observation or information provided by a reliable and credible source, that prohibited drugs are being possessed, distributed, sold or used while on duty, while operating town vehicles or equipment, or while on town property.

A decision to search should be made by the department manager in consultation with the manager of policy development. The search should be conducted by the department manager and the security supervisor, or their respective representatives.

In certain circumstances, however, an immediate search may be necessary. Generally, an immediate search is necessary where it is likely that the object of the search may be removed, altered, or destroyed before a more thorough evaluation and review of the situation can be made. If an immediate search is conducted, the purpose of the search should be explained to the affected employee if the employee is present at the time of the search. In any case, at least two members of management, or one member of management and

one security officer, should be present to observe and conduct the search. Any drugs, or related paraphernalia should be identified and turned over to the security department at the earliest possible moment.

An employee who refuses to allow a search of his personal property such as parcels, packages, purses, lunch boxes, briefcases, and personal vehicles parked on town property, will be charged with insubordination and necessary procedures taken to discharge the employee in accordance with civil service regulations.

Searches of town property under the control of an employee (offices, desks, filing cabinets, lockers, etc.) are subject to being conducted without notice to the employee, once the reasonable suspicion standard has been satisfied.

If suspected prohibited drugs or paraphernalia are discovered, the employee will be subject to disciplinary action up to and including termination depending upon the circumstances surrounding the violation and any serious consequences as a result of the violation.

In addition to the foregoing, the town reserves the right, where it deems it appropriate to use trained dogs and law enforcement personnel to detect prohibited drugs on town property, on/in town property under the control of employees, as well as employees personal effects on/in town property, including employees vehicles parked on town property. Identification of the presence of prohibited drugs by trained dogs shall constitute individualized reasonable suspicion to allow the town to search any such property in accordance with and pursuant to the foregoing policy.

An employee who tests positive for drugs as a result of such a test will be in violation of this policy and will be subject to disciplinary action, up to and including termination. In determining what discipline is appropriate, the town will consider the circumstances surrounding the violation and any serious consequences as a result of the violation.

The town reserves the right, in its sole discretion, to allow an employee an opportunity to participate in a rehabilitation program under the conditions spelled out in this policy.

(7) Post accident testing. Testing of the town employees for drugs and/or alcohol will be required following either vehicular or personal accidents (see definition in section (15) as follows:

(a) Where a town employee is clearly at fault or cannot be completely cleared of any fault in the accident.

(b) Where an employee indicates by actions or otherwise at the scene of an accident that the employee has used some substance in violation of the town's alcohol and drug abuse policy.

(c) Where an employee's condition at the scene of an accident is not discernible without further medical evaluation.

Testing will be done immediately following the accident in accordance with the town's drug testing procedures which are hereby referenced and have been made a part of this policy. If an employee refuses to submit to post

accident testing, the employee will be charged with insubordination and necessary procedures taken to discharge the employee in accordance with civil service regulations.

If an employee is unconscious as a result of an accident, the test will be made by taking a blood sample or urine sample, at the discretion of the attending physician, and handled in accordance with the town's drug testing procedures.

An employee who tests positive on post accident testing will be subject to disciplinary action, up to and including termination.

The town reserves the right, in its sole discretion, to allow an employee an opportunity to participate in a rehabilitation program under the conditions spelled out in this policy.

(9)¹ Return to duty testing. An employee who has been given the opportunity to undergo rehabilitation for drugs or alcohol will, as a condition of returning to duty, be required to agree to a reasonable follow-up testing established by the town. The extent and duration of the follow-up testing will depend upon the safety or security nature of the employee's position, and the nature and extent of the employee's substance abuse problem. The town may consult with the rehabilitation program officials in determining an appropriate follow-up testing program.

Any employee whose position is subject to the DOT Pipeline Safety Regulations who has refused to take a drug test or has failed to pass a drug test may not return to duty until the employee passes a drug test administered by the town.

The employee will be required to sign a return to duty agreement before returning to work which will include, among other things, the testing and other conditions pertinent to that employee's continued employment with the town.

Any employee who is subject to return to duty testing that has a confirmed positive drug or alcohol test will be reviewed by the town's personnel committee for appropriate disciplinary action or termination.

(10) Random testing. With the implementation of this policy, employees who operate the town's vehicles or equipment are subject to random alcohol and drug testing.

A determination of covered positions and individuals has been made and these job titles are included as a part of the drug testing procedures which have been made a part of this policy by reference the same as if copied herein.

In accordance with the regulations, the town will test covered employees at a rate of at least one (1) employee per month.

The testing will be done based on a random selection of dates for testing and random selection of the employee that must be tested.

¹Ordinance No. 97/98-2 from which these provisions were taken, did not include a section (8).

All random testing will follow the guidelines for drug testing incorporated in the town's procedures for alcohol and drug testing.

Any employee who has a confirmed positive test as a result of random testing will immediately be removed from a safety sensitive position, and the employee will be subject to disciplinary action, up to and including termination.

The town reserves the right, in its sole discretion, to allow an employee an opportunity to participate in a rehabilitation program under the conditions spelled out in this policy.

(11) Rehabilitation guidelines. A rehabilitation program for drugs and/or alcohol will not be considered a part of the employee assistance program for employees and will not be covered by the group insurance program, it will be a separate program supported by the town on a sharing basis with the employee.

The town reserves the right, in its sole discretion, to allow an employee to participate in a rehabilitation program based on certain criteria that is detailed in this policy.

Only active full-time and part-time employees who have been consecutively employed in this status for four (4) years or more are eligible for town supported rehabilitation programs on either a voluntary or mandated referral basis. Probationary employees, seasonal employees, part-time student or temporary employees are not eligible for town supported rehabilitation programs and will be terminated immediately if there is a reasonable suspicion of drug and/or alcohol abuse or other violation of this policy, or if as a result of testing in accordance with this policy and other regulations as referenced herein, the employee has a confirmed positive drug and/or alcohol test.

A voluntary referral is defined as being one that occurs prior to any positive test for that individual for any reason that testing is done under this policy or prior to a criminal charge or conviction of that person on a drug or alcohol-related offense.

Eligible employees who desire to voluntarily enter rehabilitation where the cost is shared by the town must go before the personnel committee who will determine that employee's eligibility in accordance with the established guidelines. If the employee is eligible for town supported rehabilitation, the employees will be required to sign a release for the town designated treatment center to furnish information to the town as to the employee's participation, progress, etc. The employee will be given a form to take to the designated treatment facility which will gain admittance for the employee and state that the town will be reasonable to the treatment facility for 50% of the cost of the program, with the employee being responsible for 50% of the cost. Treatment centers will be advised that the town will not be responsible for the costs of any program where the employee does not present the authorizing form, and it will not be covered under the town group insurance program. Employees will only have one voluntary referral that is supported by the town.

If an employee is referred to a rehabilitation program as a result of a supervisory referral, the employee will also be required to sign the necessary release and have the necessary approved form for participation in rehabilitation.

The costs will be shared on the same 80/20 basis under the same conditions as spelled out above for voluntary referral. If an employee is permitted to participate in rehabilitation as a result of a supervisory referral and fails to follow and successfully complete the program as established, the town will take disciplinary action up to and including termination.

The decision to allow an employee the second opportunity for rehabilitation in a town supported program whether on a voluntary or on a supervisory referral basis, is strictly at the discretion of the town and will be based on the individual employee's work record, the relative or intrinsic value of the employee to the town and its citizens based on the length of training time required for an individual to fill that position, the overall magnitude of the job performed by that individual, and other valid criteria relative to both the safety responsibility and the fiscal responsibility of the town to its citizens.

Employees who are approved to enter a rehabilitation program will be allowed to use any sick leave, vacation or personal holidays to that employee's credit at the time of entering the program. If no paid days are available, the employee will be approved for absence without pay as long as the employee is continuing in the rehabilitation program.

Any disciplinary action that the employee may be subject to, less than termination, with regard to the actions necessitating the supervisory referral will not be affected by participation in the rehabilitation program and may be administered following the rehabilitation, prior to the rehabilitation, or coincidental with the rehabilitation at the sole discretion of the town.

(12) Inspection. The town retains the right, based upon reasonable suspicion of a violation of the alcohol and drug abuse policy, to search an employee's office, desk, locker and other company property under the control of the employee, as well as the employee's personal effects in or on town property, such as parcels, packages, purses, lunch boxes, briefcases, and the employee's vehicles parked on town property. Notices to this effect will be prominently posted on bulletin boards and at the entrance to or near each entrance to town property.

(13) Criminal charges. Any employee who is criminal charged with a drug related offense while on duty and off town property must report the charge to the employee's supervisor no later than 5 days after such charge. Failure to report the charge within the time prescribed will lead to disciplinary action up to and including discharge.

The employee who has been criminally charged with such a drug related offense may be relieved of duty with pay until an investigation is made. Once the facts are known and the investigation complete, the employee may be allowed to return to duty provided the employee agrees to certain conditions

which may include random drug testing as appropriate to the charges, or may be suspended without pay, or may be terminated.

In determining whether the employee will be returned to duty (with or without testing), suspended or terminated, the following will be considered:

(a) The degree to which the nature of the criminal charges reduces the town's ability to maintain a safe and efficient working environment.

(b) The degree to which the nature of the charges unreasonably endangers the safety of other town employees, customers and/or citizens.

(c) The degree to which the charges unreasonably undermines the public confidence of the town's operations.

(d) The nature of criminal charges.

(e) The nature of the employee's job at the town.

(f) The existence of any explanatory or mitigating facts or circumstances.

(g) Whether the employee promptly reports the charge.

(h) Any other facts relevant to the employee including but limited to years of service and record of performance with the town.

(14) Criminal convictions. Any employee who has been convicted of violating any criminal drug law must report the conviction to the employee's supervisor no later than 5 days after such conviction. Failure to report the conviction within the time prescribed will lead to disciplinary action up to and including discharge.

Convictions for drug related offenses can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee will be disciplined or discharged for the conviction of a drug related offense, the town will consider the following primary factors: the degree to which the nature of the offense reduces the town's ability to maintain a safe and efficient working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other town employees and/or the public; the degree to which the nature of the conviction undermines the public confidence of town operations; the nature of the criminal offense; and the nature of the employee's job, and any mitigating factors.

(15) Definitions. As used in this policy: "controlled substance" means a controlled substance in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined in regulation at 21 C.F.R. § 1380.11-1380.15.

"Conviction" means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

"Criminal drug law" means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

"Accident" means for the purpose of this policy an occurrence where an employee is injured seriously enough to require hospitalization; or through the employee's actions, he/she causes injury to another employee or employees or the public requiring hospitalization; or the employee creates a hazardous situation which presents imminent danger either to the employee, other employees, a customer, or the general public, for which there is no apparent reasonable explanation; or where there is a vehicle accident involving damages either to the town vehicle or the property of another party in excess of \$400.00 where the town employee is at fault or cannot be completely cleared of fault; or where there is personal injury to the employee or another party requiring hospitalization; or where the cause of an accident cannot be determined and any of the foregoing occur. (Ord. #97/98-28, May 1998)

CHAPTER 5

PERSONNEL HANDBOOK

SECTION

- 4-501. Purpose.
- 4-502. Types of employees.
- 4-503. Hiring procedures.
- 4-504. Compensation.
- 4-505. Benefits.
- 4-506. Separations and disciplinary action.
- 4-507. Miscellaneous policies.
- 4-508. Job descriptions.
- 4-509. Job classifications.
- 4-510. Pay chart.
- 4-511. Blank forms.

4-501. Purpose. The policies set forth in this handbook are to serve as a means to select, develop, and maintain an effective work force through the impartial application of said policies and procedures free of personal and political considerations and without regard to race, sex, age, national origin, creed, religion or disability as prescribed by law. All applicable laws including but not limited to Fair Labor Standards Act (FLSA), Americans with Disabilities Act (ADA), Family Medical Leave Act (FMLA), and Equal Employment Opportunity (EEO) will be adhered to in all policies regarding employees. Interpretation of these policies are made by the town administrator or his/her designee. All persons employed by the Town of Dandridge are required to abide by these policies. Employees are in at-will status at all times during employment with the Town of Dandridge. The town reserves the right to change and modify this handbook at any time. The handbook is not a contract, and thereby does not give any employee any property rights to their job. (Ord. #97/98-29, May 1998, as amended by Ord. #99/00-9, Sept. 1999, and Ord. #99/00-31, June 2000)

4-502. Types of employees. (1) As provided by FLSA employees are classified as:

(a) "Exempt" --meaning exempt from overtime compensation, and generally known as paid by salary (a set dollar amount by the week, month, or year, without overtime pay) and,

(b) "Nonexempt"--meaning not exempt from overtime compensation, generally known as paid by the hour with any hours over established work period paid at time and one/half.

(2) Employment positions are classified according to the FLSA tests for "exempt" and "nonexempt" for the purpose of computing overtime pay. All

positions are considered "nonexempt" and qualify for overtime pay except those "exempt" below:

- (a) Elected officials and appointed commission/committee officials.
- (b) Town administrator, assistant town administrator, assistant to town administrator.
- (c) Recorder, municipal clerk.
- (d) Department heads/superintendents including police, fire, water/sewer, public works.
- (e) Town judge.
- (f) Town attorney.
- (g) Building inspector.
- (h) Temporary seasonal employees--parks and recreation.
- (i) Consulting firms and legal counsel.
- (j) Special service contract employees.
- (k) Volunteer personnel.
- (l) Any other positions as regulated by FLSA.

Persons hired under contract for professional services will not accumulate benefits. Positions considered as contracted are attorney, judge, part-time building inspector, part-time janitorial workers and others the board of mayor and aldermen see fit to include. (Ord. #97/98-29, May 1998, as amended by Ord. #99/00-9, Sept. 1999, and Ord. #99/00-31, June 2000)

4-503. Hiring procedures. (1) Policy statement. The primary objective of this section is to insure compliance with all applicable laws and to obtain qualified personnel. Positions will be filled by persons selected based upon knowledge, skills and work experience pertinent to the essential functions of the job applied for.

(2) Recruitment. When a vacancy occurs the town administrator will notify current employees of the position by an insert with payroll checks and will allow interested employees to apply for the position. If the administrator decides that a selection cannot be made from those employees, the administrator, in cooperation with the mayor, will advertise the position.

(3) Application process. All persons seeking employment with the town will be required to complete an application for the position. Resumes may accompany an application. Applications from those outside the current work force will be accepted at town hall by the administrator or his/her designee only when a position has been advertised. Applications received after a set deadline will not be considered. Reasonable accommodations will be made for persons with disabilities wanting to apply who make such a request. The interview and selection process will be managed by the town administrator. The hiring decision will be made after a consensus is reached between the town administrator and the affected department heads. Town administrator, town

judge, town attorney and department heads will be appointed by the board of mayor and aldermen.

(4) Medical and psychological examination. After a person has been offered employment, a medical examination by a physician designated by the town may be required to determine the prospective employee's ability to perform the essential functions of the job. This provision will be carried out according to regulations established by the ADA and other applicable law. Pre-employment drug testing will be part of the examination for all positions requiring Commercial Drivers License (CDL), and public safety (police and fire) positions. This examination will be at the expense of the town. Sworn police officers must successfully complete a psychological examination.

(5) Initial employment period. During the first six months after hire date an employee will be shown the proper procedures for performing his/her job and will be given the necessary supervision for the employee to learn the most effective and efficient means of carrying out his/her work. Benefits will begin to accrue; however, for full-time employees, annual leave may not be taken during this period. Other benefits may be taken according to § 4-505.

(6) Evaluation procedures. All employees will be evaluated annually: in February of each year and after the initial employment period. The employee's supervisor will use the employee evaluation form (see appendix¹). Annual evaluation increases will be granted on the basis of the amounts approved as a part of the budget appropriation adopted by the board of mayor and aldermen. (Ord. #97/98-29, May 1998, as amended by Ord. #99/00-9, Sept. 1999, and Ord. #99/00-31, June 2000)

4-504. Compensation. (1) Rate of pay: Shall be determined by the board of mayor and aldermen within the limitations of the fiscal year budget. The beginning rate of pay will be 3% less than the agreed upon rate. When an employee successfully completes the initial employment period and subsequent evaluation, he/she may begin receiving the additional 3%.

(2) Hours of work. Work schedules, hours of work, and assignment of employees to particular jobs will be made by their supervisor subject to the approval of the town administrator to meet operating needs and render essential service to the public.

(3) Meal periods. If employees work five hours or more per shift, they must take a meal break unless specifically excused by their immediate supervisor. Meal breaks are not considered as hours worked.

(4) Work periods. (a) Non-exempt full-time employees except sworn police officers will work a seven day 40 hour work period. All hours worked over 40 will be paid as overtime (time and one/half). The work period will commence on Saturday at 12:00 A.M. and end at 12:00 A.M.

¹The appendix to Ord. #99/00-31, June 2000, is of record in the office of the record.

the following Saturday. Work shifts and schedules may vary by departments as necessary for the efficient operation of the town as determined by department heads and approved by the town administrator.

(b) Police officers shall have a 28 day work period in accordance with the 7(k) exemption provided by FLSA. The work period begins at 12:00 A.M. on the first day and ends at 12:00 A.M. 28 days following. All hours worked will be paid at regular hourly rate each week. All overtime pay will be paid at the end of the work period at time and one-half for all hours over 171. If an officer is called to duty in an emergency situation determined by the chief, overtime will be paid above the regularly scheduled hours of work for the week on the following pay check.

(5) Pay day. Employees shall be paid each Thursday after 2:00 P.M. for all hours worked the previous week. Employees are encouraged to check their hours worked, rate of pay, and deductions if any, on each check. Errors found on pay checks will be corrected on the next following pay check.

(6) Payroll deductions. Certain deductions will be made from payroll: Federal Income Tax deductions (FIT) and Social Security. Health insurance premium deductions occur each paycheck as well as other elective deductions (other insurances, etc.). Garnishments and other mandated deductions will be made in accordance with the regulations legislated for those types of deductions.

(7) Overtime. (a) Non-exempt. Overtime shall be paid at one and one-half times the regular rate of pay for all hours worked in excess of 40 hours per week in the 7 day work period. Non-exempt employees may not accumulate comp time and must be paid according to FLSA provisions each pay check.

(b) Sworn police officers are covered under the FLSA 7(k) exemption, and shall be paid overtime for all hours worked in excess of 171 in the 28 day work period.

(c) Exempt. Comp time shall accumulate at the actual rate worked (straight time) for exempt employees only and must be taken within the calendar year earned. If an emergency arises and an employee is called to work outside of regularly scheduled hours the employee shall be paid at the overtime rate for those hours on the next week's check. (Ord. #97/98-29, May 1998, as amended by Ord. #99/00-9, Sept. 1999, and Ord. #99/00-31, June 2000)

4-505. Benefits. (1) Eligibility. All regular full-time employees are eligible for all benefits provided by the town.

(2) Holidays. (a) Employees who have been employed full-time for 90 days are eligible for holiday benefits. Holidays to be observed are:

New Year's Day
 Martin Luther King Jr's Birthday¹
 Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 The Day after Thanksgiving
 Christmas Day

Employee's birthday--may be taken at any time within the calendar year at the employee's discretion subject to supervisor's approval.

(b) Holiday pay is computed at 8 hours per day. If an employee must work on a holiday, the employee will be paid for their hours worked plus an additional 8 hours holiday pay.

(c) When a holiday falls on a Saturday, the Friday before will be observed as the holiday. If the holiday falls on a Sunday, the Monday following will be observed as the holiday.

(d) Holidays falling during an employee's vacation, sick leave, or other leave period will be paid as holidays, not as other types of leave. Other leave cannot be taken in conjunction with a holiday on the same day.

(3) Annual leave. (a) Employees will be allowed paid annual leave for such use as they see fit. Annual leave days will be computed at 8 hours per day. Annual leave will be calculated from the employee's date of full-time employment and may be taken after 6 months of employment.

(b) All full-time regular employees hired after July 1, 2000 may accrue paid annual leave at the rate of 8 hours per completed month of service for the first 3 years of employment (12 days per annual employment period). After 3 years annual leave may accumulate at the rate of 12 hours per completed month of service (18 day per annual employment period). Annual leave may be accumulated up to 25 days. Employees must take annual leave off after accumulating 25 days or lose the ability to further accumulate leave.

(c) Employees must take 5 consecutive days off each year.

(d) Employees who were at the rate of 4 weeks per year under the previous personnel handbook as of the effective date of this policy may continue to accrue at the rate of 20 days per year (4 weeks) based

¹Ord. #98/99-20, April 1999, states, "Beginning in the calendar year of 2000, the Town of Dandridge shall observe the birthday of Dr. Martin Luther King Jr. as a town holiday. The holiday shall be observed on the third Monday of January of each year unless the day of observance is changed by the Congress of the United States. "

upon their employment date. Leave which was received through July 1, 2000 will be added to their leave bank.

(e) All employees who were at the rate of less than 4 weeks per year prior to the effective date of this policy will begin accruing at the prescribed rate in § 4-505(3)(b) and leave which would have been received in January, 2000 as well as accumulated at their employment date through July 1, 2000, will be added to their leave bank.

(f) Annual leave shall be scheduled with the department head subject to the ability to maintain efficient operation of the town, and be approved by the town administrator or his/her designee in increments not less than 1 hour.

(g) Annual leave may not be taken during a required two week notice of resignation. If annual leave is taken during the last two weeks of employment, the employee will not be subject to rehire.

(4) Sick leave. (a) All full-time regular employees may accrue 8 hours of sick leave per completed month of service for illness or injury or doctor/dentist appointments. Sick leave requested for one's self or qualified family members taken under Family Medical Leave Act (absolute necessity by inability to care for one's self or family member's necessity) must be requested in writing and have the attending physician's written reason of necessity of an employee needing FMLA time off. Employees are eligible to receive sick leave benefits at the end of their first full-time month of service.

(b) Sick leave is a "time benefit" to allow an employee to be off for him/herself or a family member as prescribed by FMLA. Accumulated sick leave will not be paid in the event of termination of employment for any reason. There is no limit for accumulation of sick leave.

(c) Accumulated sick leave may be applied toward TCRS retirement.

(d) An employee absent from work three (3) or more consecutive days may be required to furnish a written doctor's excuse to his/her department head or to the town administrator for such absence to qualify for sick leave pay.

(e) Workmen's compensation leave. Employees who are absent from work due to work related illness or injury may elect to use accumulated sick leave benefits for up to the first 7 days they are off work. If the employee is off more than 14 days then the employee shall pay back to the town the first week's compensation received from the workmen's compensation insurance company. While the employees are receiving workmen's compensation temporary total disability benefit payments, they may receive accumulated sick leave pay from the town in an amount not to exceed the difference between the workmen's compensation payments and their normal earnings. In no event will an employee receive sick leave benefits without first having accrued the

leave time. Employees shall continue to accrue all types of leave at their current rate while receiving workmen's compensation disability payments.

(f) Employees are required to notify their supervisor or department head of an illness in advance of the beginning of the normal work shift to obtain sick leave. Sickness is defined as absence due to personal illness, injury, exposure to contagious diseases or illness in the immediate family. Immediate family is defined as spouse, mother, father, guardian, step-mother, step-father, child, foster child, step-child. In the event use of sick leave is requested for a family member, family medical leave must be applied for. Provisions for this use as well as forms to be completed will be obtained according to FMLA mandated by the federal government. Annual leave may be used in the event other family members not specifically listed here have an illness/injury which requires the employees to be absent.

(g) Pregnancy is to be treated as any other personal illness or injury.

(h) Sick leave incentive program. Dandridge provides a sick leave incentive program in which the town pays each employee \$25.00 for each full month that the employee does not take 2 hours or more sick leave. At the end of 12 months (beginning December 1 and ending November 30 of the following year), if the employee has not taken 2 hours or more sick leave in a day each month, the employee will receive a bonus of \$150.00 in addition to the \$25.00 monthly benefit, or a total of \$450.

Workers who are out of work due to a work related illness or injury and are receiving workmen's compensation benefits will not be considered to have taken a sick day(s) for purposes of the sick leave incentive program. (See appendix II¹).

(5) Bereavement leave. Bereavement leave of up to 5 days will be granted to an employee for the death of their spouse or child. Up to 3 days will be granted for a death in their immediate family (father, mother, father-in-law, or mother-in-law, grandparents, or legal foster parents and children, brother or sister, brother-in-law or sister-in-law). If driving more than 200 miles one way is involved, the town administrator may grant up to 2 additional days of bereavement leave.

(6) Leave records. The town administrator shall cause to be kept a record showing credits and leave taken under these policies. Any medical reports accompanying requests for sick leave or fitness to return to work shall be kept in a separate medical file and kept confidential.

(7) Jury duty. Jury duty must be reported to an employee's supervisor in advance of such duty. Compensation will be added to the jury duty pay

¹The appendix to Ord. #99/00-31, June 2000, is of record in the office of the recorder.

received by an employee to equal a regular pay check. The voucher showing jury pay must be presented to qualify for this benefit.

(8) Voting. In the event an employee's work shift runs after 6:00 P.M. on an election day, time off will be allowed for the purpose of voting. Request for such time off must be made to the supervisor the day before the election day.

(9) Personal leave. Personal leave may only be authorized by the town administrator. Any employee having completed 2 continuous years of service may be eligible for up to 3 months continuous leave without pay, provided the employee has exhausted all accumulated annual and sick leave. At the close of the three month period, the employee must assume his/her responsibility with the town. The same employee shall not be eligible for additional personal leave until he/she has actively served at least one full calendar year.

(10) Workmen's compensation leave. All injuries and/or illnesses arising out of and in the course of one's employment will be governed by the Tennessee Workmen's Compensation Law. Employees on occupational disability leave shall receive workmen's compensation benefits in accordance with state law. Employees shall report immediately any injury or known exposure to contagious disease to their supervisor or department head and take such first aid or medical treatment as may be necessary. Employees are required to see a doctor from a 3 doctor panel designated by the town when an injury or illness occurs. In the event that an employee goes to a physician not on this panel, the employee will have sole responsibility for the payments incurred by such visits and the town will in no way be responsible for said payments.

In all cases of occupational disability the responsibility of determining the character, degree and potential duration of an injury shall rest with a licensed practicing physician chosen from the 3 doctor panel. The doctors may make periodic examinations, progress reports and recommendations as to the employee's ability to perform the essential functions of the job as deemed necessary by the town administrator. (Ord. #97/98-29, May 1998, as amended by Ord. #98/99-7, Oct. 1998, Ord. #98/99-17, Dec. 1998, Ord. #98/99-20, April 1999, Ord. #99/100-9, Sept. 1999, and Ord. #99/00-31, June 2000)

4-506. Separations and disciplinary action. (1) Separations. All separations of employees from positions with the town shall be designated as follows: resignations, inability to perform the essential function of the job with or without reasonable accommodation, layoff retirement, death, or dismissal. At the time of separation and prior to final payment, all records, assets, and other items of town property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation. Employees are in at-will status at all times during employment with the Town of Dandridge. The handbook is not a contract, and thereby does not give any employee any property rights to their job.

(a) Resignation. In the event an employee decides to leave the town's employment, a two week written notice shall be given to his/her supervisor. Any employee ending their employment without the required notice will not be subject to rehire. Any employee who uses annual leave time during their two week notice will not be subject to rehire. If a former employee returns to employment after resignation, their status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

(b) Disability. An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment which cannot be reasonably accommodated by the town without undue hardship. Such a separation must be supported by medical evidence acceptable to the town administrator. An examination by a licensed physician of the town's choice, and at the town's expense, may be required to meet this guideline.

(c) Lay-off. The town administrator or his/her designee may lay-off an employee for reasons related to shortage of funds, the abolition of a position, seasonal changes in service demands, changes in the duties or organization of the employee's position. The order of lay-offs will be determined by the town administrator or his/her designee. Employment status will remain at the level the employee was on at the beginning of lay-off for a period up to a year in the event of call back to work. If a year passes without call back, laid off employees must apply for a job as a new employee if they wish to be considered for re-employment.

(d) Dismissal. The town administrator may dismiss an employee. The employee's supervisor will inform the administrator of the deficiencies that the employee is displaying. The administrator will then speak with the employee without the supervisor present to ascertain the employee's point of view. The administrator may choose other courses of disciplinary action more specifically described herein. If, after conferring with the employee and the supervisor, the administrator determines that the employee must be dismissed, they will inform the mayor of the decision prior to dismissing the employee, briefing the mayor on the background of the employee and the situation.

(e) Retirement. Whenever an employee meets the conditions set forth in the Tennessee Consolidated Retirement System (TCRS) regulations, he/she may elect to retire and receive all benefits earned.

(f) Death. In the event of death, all compensation due in accordance with these policies shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

(2) Disciplinary action. The following are guidelines. The Town of Dandridge is an at-will employer and these guidelines are in no way meant to establish a property right for employees.

(a) Oral reprimand. The town administrator, department head, or supervisor may orally reprimand an employee by telling him/her what actions were incorrect and how to correct such actions or behavior.

(b) Written reprimand. The town administrator, department head, or supervisor may write a note to the personnel files of an employee stating what actions or behavior were unacceptable and how to correct such actions or behavior. This becomes part of the employee's employment record.

(c) Suspension. The department head or supervisor may suspend an employee without pay upon approval of the town administrator for serious breaches of the town or departmental policies. The exception to this rule is suspension with pay in the event of a police officer's investigation when the officer must be away from work until a determination is made for return to duty.

(d) Demotion/dismissal. The department head or supervisor may recommend dismissal or demotion of an employee. However, only the town administrator may dismiss an employee. If an employee has failed to perform in an acceptable manner or has refused to correct previously disciplined action or behavior, the employee may be demoted or ultimately dismissed from employment.

(e) For the purposes of disciplinary action the following is a definition of insubordination: When an employee refuses to carry out orders given by a supervisor or department head or town administrator, or, when employees heatedly and/or disrespectfully speak to or quarrel with the supervisor or department head or town administrator in a malicious or profane manner. Suspension up to dismissal may be the result of such action.

(3) Grievance procedures. These guidelines are for the presentation of grievances by employees. A grievance is something real, alleged, or a misunderstanding concerning rules and regulations or administrative orders involving the employee's health, safety, physical facilities or work environment, equipment or material used, etc. Employees who feel they have been subjected to unfair treatment can present their grievance to the proper person for prompt consideration and a fair decision. There is no grievance until an employee makes the department head aware of the dissatisfaction. The following steps are to be taken when presenting a grievance:

Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained the grievance is advanced to step 2.

Step 2. Discuss the problem with the department head. If the grievance is not resolved it is advanced to the step 3.

Step 3. Discuss the problem with the town administrator. After careful consideration, the town administrator will notify in writing the supervisor, department head and employee of the result of the grievance.

Step 4. In the event of suspension or dismissal, a final appeal may be made to a committee consisting of the town administrator, the mayor and one member of the personnel and finance committee. The action of this committee will be final and binding on all parties concerned. (Ord. #97/98-29, May 1998, as amended by Ord. #99/00-9, Sept. 1999, and Ord. #99/00-31, June 2000)

4-507. Miscellaneous policies. (1) Safety rules and policies. Safety is an important aspect of employment. The town is responsible for providing safe working conditions at all work stations. Employees should cooperate in helping to prevent injury to themselves, other employees, and visitors by observing the following rules:

- (a) Be informed about fire rules; know the location of fire extinguishers, and know the escape plan at your work site.
- (b) Be informed concerning first aid treatment particularly as relates to blood born pathogens or infectious disease exposure.
- (c) Avoid accidents by eliminating hazards.
- (d) Never operate electrical equipment with wet hands or while standing in water without proper protective gear.
- (e) Report to your department head any unsafe conditions such as:
 - (i) Wet or slippery floors.
 - (ii) Equipment left out of place or any defects known to you.
 - (iii) Use of combustible materials near open flame.
- (f) Insure that no safety hazards accumulate in your work area due to careless housekeeping.
- (g) Report all accidents and/or injuries immediately to your supervisor.
- (h) All tools, equipment and machinery shall be used and/or operated only by authorized employees as directed by your supervisor.
 - (i) All supervisors are required to ensure that all provided safety equipment is issued to employees and is kept in good working condition.
 - (j) At all times all employees are required to wear and/or use safety equipment state and federal agencies, the town and/or town's liability insurance carrier has mandated to be worn and/or used. Failure to do so by an employee constitutes insubordination and will be dealt with severely. No employee will be required to wear or use unsafe and/or defective equipment. Employees are required to report unsafe and defective equipment to their supervisor.

All supervisors are required under OSHA and the General Duty Clause found in the Tennessee Code Annotated to evaluate all the inherent hazards of a job, take the necessary steps to minimize the

hazards and provide the necessary personal protective equipment for exposures that cannot be eliminated.

(2) Absenteeism and tardiness. Regular, punctual attendance is considered mandatory by the town. If it is necessary for an employee to be late to work or absent from work because of an illness, emergency, or some other good reason, they shall notify their supervisor. If the employee does not notify the supervisor the absence will be considered unauthorized, the employee will not be compensated for this time and the employee may be subject to disciplinary action. Supervisors may require proof in support of your reason for being absent.

Late arrivals and early departures from work authorized by the town administrator as special accommodations for disabled employees shall not be considered absenteeism or tardiness.

(3) Use of town time, facilities, etc. No employee of the Town of Dandridge shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other private person or group. Any employee who enters official property on unofficial business, and while there causes deliberate or accidental damage to town property, shall be personally responsible for said property's repair and/or replacement. For those town employees who are provided with vehicles so that they may be able to respond to calls outside the routine work hours, the employee's use of the vehicle is limited to official use and for going between residences and place of work. All employees are prohibited from driving a town vehicle if under the effects of alcohol, or any controlled substance, or any nonprescription or prescription drug that would limit their ability to drive safely. All town employees who have driving responsibilities as a part of their duties will have their driving history checked every two to three years. Drivers who are full-time employees and those who are drivers for the volunteer fire department are both subject to this requirement.

(4) Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his/her town duties, it shall be unlawful for any employee to be privately interested in, or to profit, directly or indirectly from business dealings with the town. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services.

(5) Acceptance of gratuities. No employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which they would be required or expected to perform in the regular course of his/her duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might be reasonably be interpreted as an attempt to influence his/her actions with respect to town business.

(6) Use of position. No town employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he/she otherwise use or attempt to use his/her position to secure unwarranted privileges or exemptions for himself/herself or others.

(7) Political activities. (a) Employees are prohibited from any political activity during their working hours.

(b) Employees are encouraged to vote and, if they so desire, may engage in political activities outside regular working hours.

(c) Employees may not at any time use town equipment or uniforms while engaged in political activity; except when authorized by their supervisor to direct or assist traffic for a political function at a public building within the town's corporate limits.

(8) Drug and alcohol policy.¹ The Drug Free Work Place Act of 1988 required Dandridge to inform all employees of its policies to ensure a drug free work place. This Act required the town to notify the federal granting and contracting agency making funds available to the town within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

Dandridge is obligated to ensure a safe work environment, as well as a paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. Employees must be free from drug or alcohol dependence, illegal drug use, or drug or alcohol abuse. The illegal possession and use of drugs and/or narcotics or illegal use of alcohol by employees of the town is unacceptable. The employee's fitness for duty is a condition of employment. Accordingly, Dandridge employees shall not take or be under the influence of any narcotics or dangerous substance unless prescribed by the employee's licensed physician. Employees who are required to take prescription medicine shall notify their department head in writing of the medication prescribed, the nature of the illness or injury, and any known side effects. Dandridge employees shall not drive any town owned vehicle nor operate any piece of town owned equipment while taking prescription drugs that employees know might cause dizziness, sleepiness, or otherwise constitute a danger to themselves or the public.

All property belonging to Dandridge may be subject to inspection at any time without notice as there is no expectation of privacy. Property includes, but is not limited to, vehicles, desks, containers, files and storage lockers. Employees assigned lockers (that are locked by the employee) are also subject to inspection by the employee's supervisor after reasonable advance notice and in the presence of the employee.

All employees must abide by the town's policy and notify their immediate supervisor of any criminal drug statute convictions within 5 days after such conviction. Contractors and their employees must also abide by this policy and

¹Municipal code reference: title 4, chapter 4.

report convictions within 5 days of such conviction. The town, in turn, will inform the federal granting or contracting agency within 10 days of such notification.

Failure to comply with the provisions or intent of this section shall result in disciplinary action up to and including dismissal, or requiring the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

Drug testing is required for any and all employees in an accident involving town equipment or vehicles. Also, in cases of reasonable suspicion of an employee being under the influence of drugs or alcohol, a supervisor or department head may require drug testing.

All commercial drivers license (CDL) holders and public safety officers are subject to random drug/alcohol testing, as provided by the federal Department of Transportation, and pre-employment drug testing. The town's random drug/alcohol testing is conducted by the Jefferson Memorial Hospital Occupational Therapy and Rehab Center, 643 East Broadway Boulevard, Jefferson City, TN.

(9) Use of town vehicles and equipment. All town vehicles and equipment are for official use only. Drivers and/or operators must have a valid Tennessee Drivers License. Any use of town vehicles and equipment must be approved by the employee's supervisor and the town administrator.

(10) Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the town administrator. The town administrator shall not grant such authorization of the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his/her municipal employment, or is likely to cast discredit upon or create embarrassment for the town.

(11) Strikes and unions. No town officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other town officer or employee to join any labor union which authorizes the use of strikes by government employees.

(12) Conflicts of interest. It shall be a conflict of interest for any elected official, employee, appointee, or other officer or other person whose duty it is to vote for, let out, overlook or in any manner be directly or indirectly interested to have any personal interest, monetary gain, or any interest other than the public welfare in such project, work, or contract, either directly, indirectly, or any other way. If such a conflict arises, the above listed person(s) must immediately notify the entity of which he/she is a member of such conflict and if applicable, abstain from any vote on issues arising from or creating said conflict.

(13) Trip/travel reimbursement. In the interpretation and application of this section, 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.

(a) 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 town administrator. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(b) 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 mayor to initiate action to recover any undocumented travel advances.

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

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

(e) 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 town administrator may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.

(f) 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.

(g) 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.

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

(i) 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.

(14) Sexual harassment. Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed

by women toward men, and conduct by women toward women. Consequently, this policy applies to all officers and employees of the Town of Dandridge, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel rules or regulation of the town, and employees working under contract for the town.

Sexual harassment or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; making inappropriate sex-oriented comments on appearance; telling embarrassing sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees, or on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting, or unreasonably interferes with work performance is an unlawful employment practice and is absolutely prohibited by the town.

The town may be held liable for the actions of all employees with regard to sexual harassment and therefore, will not tolerate the sexual harassment of its employees. The town will take immediate, positive steps to stop it when it occurs.

An employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (a) The employee's immediate supervisor.
- (b) The employee's department head.
- (c) The town administrator or a member of the board of mayor and aldermen.

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of sexual harassment. The employee should be prepared to provide the following information:

- (a) Official's or employee's name, department, and position title.
- (b) The name of the person or persons committing the sexual harassment, including their title/s, if known.
- (c) The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- (d) Witnesses to the harassment.
- (e) Whether the employee has previously reported the harassment and, if so, when and to whom.

(15) Notification requirements. It is the responsibility of the employee to notify the payroll office of changes in address, telephone number, marital status, or changes in the number of dependents.

(16) Employee records. All employment records will be kept in files set up and maintained by the town administrator or his/her designee. All employment records are public record and subject to public scrutiny. Employees are encouraged to look at their files time to time to assure their knowledge of contents. No records will be put in employee files without their initials on the information to ensure their knowledge of its existence in the files.

Exceptions:

(a) Police records. State law mandates that police records may not be shown to the public until notice is given to the officer (past or present employees) within 2 days of application of the person requesting the access. State law will be followed regarding such application as certain officer records may be closed to the public for the general welfare and safety of the officers. (See Appendix 3).¹

(b) Medical records. All records with regard to medical information, including but not limited to drug testing, examinations, doctor's excuses, etc., will be kept on file separate from public files without public access.

(c) Any other records not specifically mentioned in this exceptions section which may become unaccessible to the public by local, state, and/or federal law.

(17) Severability. Each section, subsection, paragraph, sentence, and clause of this handbook is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other portion of this handbook, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted.

(18) Special note. These personnel policies are believed to be written within the framework of the Charter of the Town of Dandridge but in case of conflict, the charter takes precedence. Employees are in at-will status at all times during employment with the Town of Dandridge. The town reserves the right to change and modify this handbook at any time. The handbook is not a contract, and thereby does not give any employee any property rights to their job. These personnel policies, rules and regulations may be amended at any time by the board of mayor and aldermen by a properly executed resolution. (Ord. #97/98-29, May 1998, as amended by Ord. #99/00-9, Sept. 1999, and Ord. #99/00-31, June 2000)

4-508. Job description. To be published. (Ord. #97/98-29, May 1998)

¹The appendix to Ord. #99/00-31, June 2000 is of record in the office of the recorder.

4-509. Job classifications. To be published. (Ord. #97/98-29, May 1998)

4-510. Pay chart. To be revised effective 1 July 1998. (Ord. #97/98-29, May 1998)

4-511. Blank forms. To be published.¹ (Ord. #97/98-29, May 1998, as amended by Ord. #99/00-31, June 2000)

¹These forms are of record in the office of the recorder.

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE AND BUSINESS TAXES GENERALLY.
3. WHOLESALE BEER TAX.
4. PURCHASING.

CHAPTER 1

REAL PROPERTY TAXES

SECTION

5-101. When due and payable.

5-102. When delinquent--penalty and interest.

5-101. When due and payable.¹ Taxes levied by the town against real property shall become due and payable annually on the first day of October of the year for which levied. (1981 Code, § 6-101)

5-102. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and

¹State law references

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

²Charter and state law reference

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

interest as is authorized and prescribed by the state law for delinquent county real property taxes.¹ (1981 Code, § 6-102)

¹Charter and state law references

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

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

CHAPTER 2

PRIVILEGE AND BUSINESS TAXES GENERALLY

SECTION

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed. (1981 Code, § 6-201)

5-202. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1981 Code, § 6-202)

CHAPTER 3**WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

5-301. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1981 Code, § 6-301)

¹State law reference

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

CHAPTER 4

PURCHASING

SECTION

- 5-401. Purchasing agent.
- 5-402. General procedures.
- 5-403. Rejection of bids.
- 5-404. Conflict of interest.
- 5-405. Sealed bid requirements.
- 5-406. Competitive bidding \$1,001.00--\$4,999.99.
- 5-407. Record of bids.
- 5-408. Purchase order file.
- 5-409. Considerations in determining award.
- 5-410. Statement when award not given to low bidder.
- 5-411. Award in the case of tie bids.
- 5-412. Back orders.
- 5-413. Emergency purchases.
- 5-414. Waiver of competitive bidding.
- 5-415. Bid deposit.
- 5-416. Performance bond.
- 5-417. Fund availability.
- 5-418. Conflicting ordinances.

5-401. Purchasing agency. The town administrator or other designated position shall be the designated purchasing agent. Except for as otherwise provided in this policy, all supplies, materials, equipment and services of any nature whatsoever shall be approved and acquired by the purchasing agent or their designated representative. (as added by Ord. #95/96-7, June 1996, and replaced by Ord. #99/00-5, Aug. 1999, Ord. #00/01-7 Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-402. General procedures. Competitive bids on all supplies, materials, equipment, services and contracts for public improvements, except those specified elsewhere in this policy, shall be obtained, whenever practicable, and the purchase or contract awarded to the lowest responsible bidder, provided that any or all bids may be rejected as prescribed by this policy. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-403. Rejection of bids. The purchasing agent shall have the authority to reject any and all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when

the public interest will be served thereby. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-404. Conflict of interest. All employees that participate in any phase of the purchasing function are to be free of all interests or relationships which are actually or potentially could be perceived as being a conflict of interest. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-405. Sealed bid requirements. On all purchases or contracts estimated to be in excess of \$5,000, except as otherwise proved for in this policy, formal sealed bids shall be required. The purchasing agent will submit the bids for award by the board of mayor and alderman at the next regularly scheduled meeting.

Notice inviting bids will be published in a newspaper of general circulation in Jefferson County, at least 5 days prior to the last day for receiving bids. The newspaper notice shall contain a general description of the articles to be purchased, shall state where the written specifications are to be secured, and the time and place for opening bids.

In addition to publication in a newspaper, the purchasing agent may take any other actions deemed necessary to notify all prospective bidders of the invitation to bid. This may be accomplished by delivery, verbally, by mail, or posting in a public place. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-406. Competitive bidding \$1,001.00--\$4,999.99. All purchases of supplies, equipment, services, and contracts estimated to be in excess of \$1,001.00, but less than \$4,999.99, shall be obtained by competitive bidding and may be awarded to the lowest responsible bidder. A written record shall be required and available for inspection showing that competitive bids from three (3) separate vendors were obtained through direct mail, facsimile, or hand delivery. All awards will be made based on the lowest responsible bidder.

The department head and purchasing agent will verify budgetary account balances for all purchases. In the purchasing agent's absence, their designee shall approve all bids. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-407. Record of bids. The purchasing agent, or their designee, shall keep a record of all bids. This should include a listing of all bidders and the amount of each bid. These records should be open to public inspection and made available at town hall. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-408. Purchase order file. Once a bid has been converted into a purchase order or contract, the purchase order file shall contain the following:

- (1) A copy of the specifications.
- (2) A copy of the purchase order.
- (3) A copy of the written bids. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-409. Considerations in determining award. In determining the lowest responsible bidder, in addition to price, the following areas should be considered:

- (1) The ability of the bidder to perform the contract or provide the material or service required.
- (2) The ability of the bidder to perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience, or efficiency of the bidder.
- (4) Compliance, by the bidder, with laws and ordinances related to the contract or service.
- (5) The quality of performance of previous contracts or services.
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or services.
- (7) The ability of the bidder to provide future maintenance and service for the use of the supplies or contractual service contracted.
- (8) Terms and conditions stated in the bid.
- (9) Compliance with specifications.
- (10) Total cost of the bid, including expected life, maintenance costs, and performance. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-410. Statement when award not given to low bidder. When the award for purchases and contracts in excess of \$1,000.00 are not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere must be given by the purchasing agent or department head and filed with all of the papers relating to the transactions. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-411. Award in the case of tie bids. If all bids received are for the same total amount, quality service being equal, the purchase or contract shall be awarded to a local bidder. In the case where there is no local bidder, or the local vendor is not the lowest tie bid, the purchase or contract shall be awarded by the public drawing of lots. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-412. Back orders. All orders must be completed through the complete fulfillment of the purchase order or through closing the purchase order with items not received. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-413. Emergency purchases. When in the judgment of the department head an emergency exists, the purchasing divisions of this policy may be waived. However, the purchasing agent shall report the purchases/contracts to the board of mayor and aldermen at the next regular meeting stating the item, the amount paid, the vendor, and the nature of the emergency. Poor planning and management does not constitute an emergency. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-414. Waiver of competitive bidding. Upon recommendation of the town administrator or other authorized purchaser, that it is clearly to the advantage of the town not to contract by competitive bidding, the requirements of competitive bidding may be waived under the following circumstances:

(1) Sole source--the availability of only one vendor of a product or service within a reasonable distance of the city as determined by the appropriate department head. A written statement must be filed verifying a single source supplier.

(2) State contract purchases are considered to meet all of the requirements of the purchasing ordinance specifications.

(3) Purchases from non-profit organizations whose sole purpose is to provide goods and services specifically to municipalities. Tennessee Code Annotated, § 6-56-302

(4) Insurance services that are purchased from the Tennessee Municipal League or any other plan authorized and approved by any organization of governmental entities that represent cities and counties. Tennessee Code Annotated, § 29-20-407

(5) Investments in or purchases from the pooled investment fund established pursuant to Tennessee Code Annotated, § 9-17-105.

(6) Professional service contracts in which services of a professional person or firm, including attorneys, physicians, architects, and consultants required by the town, whose fee is more than \$500.00 shall be evidenced by written contract. The contract will be awarded based on recognized competence and integrity, rather than on competitive bids. Competitive bidding shall be prohibited for such services. Tennessee Code Annotated, § 29-20-407. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-415. Bid deposit. When deemed necessary, bid deposits may be prescribed and noted in the public notices requesting bids. The deposit shall be

in such amount as the purchasing agent shall determine and unsuccessful bidders shall be entitled to return of the deposits when a deposit has been required. A successful bidder shall forfeit any required deposit upon failure on their part to enter into a contract within ten (10) days after the award. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-416. Performance bond. The purchasing agent may require a performance bond before entering a contract, in such amount as is determined to be reasonably necessary to protect the best interests of the town in accordance with the penalties provided by the Tennessee Code Annotated. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-417. Fund availability. This chapter shall authorize only the purchase of materials, supplies, and the procurement of contracts for which funds have been appropriate, are within the limits of the funds estimated for each department in the annual budget, or which have been authorized and lawfully funded by the board of mayor and alderman.

In the event that any provision of this chapter shall be construed to be in conflict herewith, the provisions of this section shall prevail. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

5-418. Conflicting ordinances. All ordinances or parts of ordinances in conflict with this chapter herewith are hereby repealed. (as added by Ord. #99/00-5, Aug. 1999, and replaced by Ord. #00/01-7, Jan. 2001, and Ord. #03/04-15, Dec. 2003)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST

SECTION

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

6-101. Chief of police. The chief of police shall be the executive head of the police department. He shall be appointed by the board of mayor and aldermen and shall serve during its pleasure. He shall promptly execute all orders issued by the mayor and be responsible for the proper conduct and efficiency of the members of the department. (1981 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1981 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1981 Code, § 1-403)

6-104. When policemen to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1981 Code, § 1-404)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1981 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he, shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1981 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1981 Code, § 1-407)

¹Municipal code reference

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

CHAPTER 2**WORKHOUSE****SECTION**

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1981 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1981 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him.¹ (1981 Code, § 1-603)

¹State law reference

Tennessee Code Annotated, § 40-24-104.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be the area of town zoned as the C-2 central business district. (1981 Code, § 7-101)

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

CHAPTER 2**FIRE CODE**¹**SECTION**

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.
- 7-208. Modifications.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1999 edition, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Any matters in the fire prevention code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1981 Code, § 7-201, as amended by Ord. #89/90-4, Dec. 1989, modified; Ord. #95/96-5, Jan. 1996; Ord. #96/97-16, March 1997; Ord. #97/98-26, April 1998; Ord. #99/00-10, Sept. 1999; and Ord. #01/02-6, Aug. 2001)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1981 Code, § 7-202)

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

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

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Dandridge, Tennessee. (1981 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1981 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1981 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1981 Code, § 7-206)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1981 Code, § 7-207)

7-208. Modifications. Within the fire prevention code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the fire code shall be deemed to be the responsible official insofar as enforcing the provisions of the fire code are concerned. (as added by Ord. #99/00-10, Sept. 1999)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Chief to be assistant to state officer.
- 7-308. Destruction of property to prevent spread of fire.
- 7-309. Firemen to have the same authority as policemen.
- 7-310. Fire prevention inspection.
- 7-311. False fire alarm.

7-301. Establishment, equipment, and membership. There is hereby established a voluntary fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of such physically-fit subordinate officers and firemen as the chief shall appoint. (1981 Code, § 7-301)

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

- (1) To prevent uncontrolled fires.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1981 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department. (1981 Code, § 7-303)

¹Municipal code reference

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

7-304. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month and at the end of the year a detailed annual report shall be made. The mayor shall submit a report on those matters to the board of mayor and aldermen as the board of mayor and aldermen requires.

There shall be established by the Town of Dandridge a separate restrictive bank checking account for the volunteer fire department which shall be used solely and exclusively for fire department uses. All deposits into said account shall be received by the secretary-treasurer of the fire department and turned over to the town recorder for deposit. All checks written from said account will be accompanied by a purchase order signed by the chief, secretary-treasurer or other designee of the fire department and said check shall be co-signed by the chief, secretary treasurer or other designee of the chief, and the town recorder or other designee of the board of mayor and alderman. At the end of each fiscal year, the balance of the volunteer fire department account shall not revert to the Town of Dandridge General Fund, but remain in said account and continue to roll over annually thereafter. Any other forms of account including, but not limited to, savings accounts, certificates of deposit, money market accounts, etc., shall be placed in the name of the fire department with withdrawals to be co-signed by the same parties authorized to co-sign checks. No money shall be transferred, loaned or pledged as security or collateral to the Town of Dandridge unless for specific volunteer fire department usage. (1981 Code, § 7-304, as amended by Ord. #97/98-25, April 1998)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1981 Code, § 7-305)

7-306. Chief responsible for training. The chief of the volunteer fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1981 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the

volunteer fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1981 Code, § 7-307)

7-308. Destruction of property to prevent the spread of fire. During the progress of any fire, the fire fighters shall have the power to remove or destroy any property necessary to prevent the further spread of fire. (1981 Code, § 7-308)

7-309. Firemen to have the same authority as policemen. Firemen shall have the same powers and authority as policemen of the town while going to, attending, and returning from a fire, and enforcing parking prohibitions relating to fire hydrants. (1981 Code, § 7-309)

7-310. Fire prevention inspection. The fire chief, or his duly qualified assistant, shall inspect all buildings, except the interior of private dwelling houses, and all premises and public thoroughfares, at least once each year, to ascertain and cause to be corrected any condition that may ignite a fire. (1981 Code, § 7-310)

7-311. False fire alarm. Any individual or business entity who causes a fire alarm response to be made to a residence or business establishment that is deemed in the discretion of the fire chief of the Dandridge Volunteer Fire Department to be a false alarm and a member(s) of the Dandridge Volunteer Fire Department has traveled to a false alarm to the same address or location with the same owner on two prior occasions, the residence owner or entity shall be guilty of violating this section. Pursuant to § 7-309 of this code, the fire chief or his duly authorized representative shall exercise his police power to issue a municipal citation to the individual or business entity responsible for the false response. Any person or entity found to have violated this section is subject to a fine of \$200.00 per incident. (as added by Ord. #99/00-26, April 2000)

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

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

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he affirmatively shows that he has express authority under the state law², it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the Town of Dandridge. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1981 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

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

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Contents of application.
- 8-211. Issuance of permit.
- 8-212. Notice.
- 8-213. Prohibited conduct or activities by beer permit holders.
- 8-214. Revocation, suspension, civil penalty.
- 8-215. Limitation on permits issued.
- 8-216. Fees for application and permit.

8-201. Beer board established. There is hereby established a beer board in and for the Town of Dandridge, Tennessee to be composed of seven (7) members appointed by the board of mayor and aldermen. All members of the beer board shall be citizens and residents of the town. They shall be appointed for two (2) year terms, which terms shall be in conjunction with the board of mayor and aldermen. A chairman shall be elected annually by the board from among its members. Members of the beer board shall serve without compensation. (Ord. #94/95-4, March 1995)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he

¹Municipal code references

Minors in beer places, etc.: title 11, chapter 1.

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).

gives a five (5) day notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #94/95-4, March 1995)

8-203. Record of beer board proceedings to be kept. The recorder shall be the secretary ex officio without the power to vote and shall make a record on the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #94/95-4, March 1995)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. #94/95-4, March 1995)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the Town of Dandridge in accordance with the provisions of this chapter. (Ord. #94/95-4, March 1995)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #94/95-4, March 1995)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter and the town's policies and procedures. No beer permit under the terms of this chapter shall be transferred between persons. A beer permit may be transferred by the holder from one location to another where the holder of a permit changes his place of distribution as a result of an eminent domain proceeding, loss of the place of distribution by destruction caused by acts of God, fire, acts of the permit holder's landlord, construction of a new place of distribution with abandonment of the prior place of distribution, or any other transfer of location by the permittee approved by the beer board; however, the transfer of a permit shall not be authorized where the permit holder sells or transfers by any means the

business inventory, equipment and fixtures to another party. (Ord. #94/95-4, March 1995, as amended by Ord. #98/99-21, June 1999)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Dandridge, 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. (Ord. #93/94-8, Nov. 1993)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales for off premises consumption or on premises consumption. An on premise consumption permit shall be issued to the permittee whose business is

- (1) Primarily a restaurant or eating place,
- (2) Be able to seat a minimum of forty (40) people, including children, in booths and at tables, in addition to any other seating it may have,
- (3) Have at least seventy-five percent (75%) of all seating in the interior of the building under a permanent roof, and
- (4) The monthly beer sales shall not exceed fifty percent (50%) of the gross sales.

It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board or enacted by ordinances. (Ord. #94/95-4, March 1995, as amended by Ord. #99/00-29, June 2000)

8-210. Contents of application. Before any person, firm, corporation, joint-stock company, syndicate, or association shall be authorized to sell, store, and/or manufacture such beer and/or beverages as prescribed herein, he shall apply to the beer board and shall establish:

- (1) That the applicant is a citizen of the United States, or if a syndicate or association, that all of the members are citizens of the United States, and shall give the name, age, and address of the applicant and all of the persons having an interest in the business, and shall give an apt description which definitely locates the proposed place of business.

(2) That no persons will be employed in the storage, sale, or manufacture of any such beverages except citizens of the United States.

(3) That no such beverages will be sold in a congested area; within 300 feet of a school, church, or other place of public gathering; closer than 300 feet to a residence; or where such sale will interfere with the public health, safety, and morals in the discretion of the beer board.

(4) That no sale shall be made to persons under twenty-one (21) years of age.

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

(6) Whether the application is for off premises consumption or for on premises consumption.

The application shall distinctly state whether the person so aptly will conduct the business in person, or whether he is acting as agent for any other person, firm, corporation, syndicate, association, or joint-stock company, and any person making false statement in said application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten (10) years. (Ord. #94/95-4, March 1995, as amended by Ord. #99/00-29, June 2000)

8-211. Issuance of permit. Any applicant seeking a permit under this chapter and who complies with the conditions and provisions hereof shall have issued to them the necessary permit and in the event said permit is refused, the applicant shall be entitled to a hearing on his application for the issuance of a permit. The refusal to grant a permit may be reviewed as provided by law. (Ord. #94/95-4, March 1995, as amended by Ord. #98/99-4, Sept. 1998, and Ord. #00/01-21, May 2001)

8-212. Notice. Before the beer board shall issue a permit under this chapter, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such permit and the date and time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a public hearing for the purpose of hearing the statement of any person or his attorney on any application for a permit. (Ord. #94/95-4, March 1995)

8-213. Prohibited conduct or activities by beer permit holders. The following conduct or activities by beer permit holders shall be prohibited:

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

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

(3) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. during any night of the week and at any time on Sunday.

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

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

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

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

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

(9) Serve or allow the consumption of, on the premises, any alcoholic beverage except beer, which has an alcoholic content of five percent (5%) weight or less for an on premises consumption permit.

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

(11) Allow any outdoor advertising on the premises for the sale of any alcoholic beverage.

(12) Fail to commence the retail sale of beer within ninety (90) days of being issued a permit; however, if the beer permit is applied for and granted prior to the holder commencing new construction of the structure where the beer is to be sold or stored, the beer permit holder shall have one (1) year to commence the sale of beer. The one (1) year limit shall not apply to a beer permit holder who is adding on to an existing structure. If the permit holder incurs unforeseen circumstances which delay his sale of retail beer, he may request an extension of the one year time limit from the board.

(13) Fail to provide and maintain separate sanitary toilet facilities for men and women for an on premises consumption permit.

(14) A holder of an on premises consumption permit which shall have beer sales exceed fifty percent (50%) of the businesses gross sales for more than two consecutive months shall have said permit revoked.

Any beer permit holder who violates any one or more of the above provisions shall be subjected to revocation of their license or any other penalty set forth in § 8-214(2). (Ord. #94/95-4, March 1995, modified, as amended by Ord. #98/99-4, Sept. 1998, Ord. #99/00-29, June 2000, and Ord. #00/01-21, May 2001)

8-214. Revocation, suspension, civil penalty. (1) 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 hereof. However, no beer permit shall be revoked until a public hearing is held by the board after ten (10) days notice to all known parties of interest. Revocation proceedings may be initiated by the mayor or the police chief.

(2) The beer board may, at the time it imposes a revocation or suspension, offer a permit or license holder the alternative of paying a civil penalty of up to \$1,500 for each offense of making or permitting to be made any sales to minors or a civil penalty of up to \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

(3) A beer permit holder who incurs a violation of any provision of § 8-213 herein, may have that violation removed from its record for the purpose of determining the length of time of a suspension or a revocation, if said holder incurs no additional violation of any provision of § 8-213 within a twenty-four (24) month period.

(4) In addition to the aforementioned penalty set forth herein and in other provisions herein, any individual(s) who actually consummate(s) the sale of beer to a minor may, in addition to any fine, costs or diversion, have a community service sentence imposed of not more than forty (40) hours. (Ord. #94/95-4, March 1995, as amended by Ord. #99/00-18, Jan. 2000)

8-215. Limitation on permits issued. The beer board shall not issue permits exceeding ten (10) for retail beer sales for off-premises consumption and ten (10) for retail beer sales on-premises. Businesses annexed into the town's corporate limits, which possess a valid beer permit or license at the time of annexation, shall not be denied a permit based upon the limitation of the number of permits to be issued by the town set forth by this section; however, the annexed businesses with permits shall be included thereafter in the number of permits allowed. (Ord. #94/95-4, March 1995, as amended by Ord. #96/97-25, Aug. 1997, Ord. #99/00-29, June 2000, and Ord. #00/01-16, Feb. 2001)

8-216. Fees for application and permit. Any applicant seeking a permit under this chapter shall pay the recorder a \$250 non-refundable application fee. There is also imposed a \$100 per year privilege tax on the business of selling beer. Revenue from the tax may be used for any municipal purpose. The tax is due on January 1 of each year. (Ord. #94/95-4, March 1995)

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. CABLE TELEVISION.

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

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

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1981 Code, § 5-101)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2**PEDDLERS, ETC.**¹**SECTION**

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

9-201. Permit required. 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 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. (1981 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1981 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the recorder a sworn 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.

¹Municipal code reference
Privilege taxes: title 5.

(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 recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator properly to evaluate the applicant's moral reputation and business responsibility.

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

(9) 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.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1981 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the recorder 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 recorder 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 recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The recorder shall keep a permanent record of all permits issued. (1981 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. 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. (1981 Code, § 5-205)

9-206. Bond. Every permittee shall file with the recorder a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may be relieved without costs of all further liability, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced. (1981 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the 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. (1981 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1981 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1981 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1981 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

(2) Notice of the hearing for revocation of a permit shall be given by the recorder 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 he considers such action reasonably necessary in the public interest. (1981 Code, § 5-211)

9-212. 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. (1981 Code, § 5-212)

9-213. 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 conditions which have changed since the last application was filed. (1981 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Charitable permits.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1981 Code, § 5-301)

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

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1981 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1981 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1981 Code, § 5-304)

9-305. Charitable permits. Permits for charitable or religious solicitations within the town's corporate limits shall be issued on a first to apply basis, to be conducted on the particular day of the month by the requesting charitable or religious organization. Each organization is limited to only one solicitation per calendar year and must be approved by the board of mayor and aldermen and at a regularly scheduled meeting. The organization requesting the permit shall reveal their reasons for raising funds. All charitable or religious solicitation permits issued shall allow no more than four solicitors to be within the streets at any one time and all solicitations shall take place at the intersection of Main Street and Gay Street within the town corporate limits. (as added by Ord. #97/98-11, Nov. 1997, and amended by Ord. #99/00-14, Dec. 1999)

CHAPTER 4**POOL ROOMS¹****SECTION**

9-401. Prohibited in residential areas.

9-402. Hours of operation regulated.

9-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1981 Code, § 5-401)

9-402. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time between the hours of 12:00 midnight on Saturday and 12:00 noon on Sunday and from 6:00 P.M. Sunday until 8:00 A.M. on Monday. (1981 Code, § 5-402)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 5**CABLE TELEVISION****SECTION**

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service shall be furnished to the Town of Dandridge and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Dandridge and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #00/01-14, in the office of the recorder.

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping animal or fowl near a business or residence.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.
- 10-109. Keeping swine prohibited.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1981 Code, § 3-101)

10-102. Keeping animal or fowl near a business or residence. A person shall be allowed to keep any animal or fowl enumerated in section 10-101 as long as said animal or fowl, or its keeping, shall not violate any of the preceding or succeeding provisions of this section pertaining to the public health, safety and welfare of the towns citizens.

If any citizen feels that their public health, safety or welfare is being injured or jeopardized by the keeping of said animal or fowl heretofore enumerated, they shall notify the town administrator who shall authorize a designated officer to inspect the premises and determine if a violation is or has occurred. If it is determined a violation has occurred or is occurring, the person keeping said animal or fowl shall have five (5) days to correct said violation. If said violation is not corrected, said keeper of said animal or fowl shall be cited to the City Court of Dandridge and subjected to a fine of not more than \$500.00. (1981 Code, § 3-102, as amended by Ord. #96/97-6, Dec. 1996)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1981 Code, § 3-103)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1981 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (1981 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1981 Code, § 3-106)

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

The pound keeper shall collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1981 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1981 Code, § 3-108)

10-109. Keeping swine prohibited. It shall be unlawful for any person to keep swine within the corporate limits. (1981 Code, § 3-109)

CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs to wear tags.

10-203. Running at large prohibited.

10-204. Vicious dogs to be securely restrained.

10-205. Noisy dogs prohibited.

10-206. Confinement of dogs suspected of being rabid.

10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1981 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1981 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1981 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. (1981 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1981 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he

¹State law reference

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

reasonably deems necessary to determine if such dog is rabid. (1981 Code, § 3-206)

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

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1981 Code, § 3-207)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1981 Code, § 10-226)

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

CHAPTER 2

OFFENSES AGAINST THE PERSON

SECTION

11-201. Assault and battery.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1981 Code, § 10-201)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Disrupting meeting or procession.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1981 Code, § 10-202)

11-302. Anti-noise regulations. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of others within the limits of the town.

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

(a) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, 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 signaling 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 using, operation, or permitting to be played, used, or operated, of any radio receiving set, phonograph, or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort, or repose of persons in any office, hospital, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

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

(d) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle,

two-wheeled cycle, or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(2) Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

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

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

(c) The use of sound amplifiers, loud speakers, or sound trucks only in connection with religious, patriotic, charitable, political, and school functions and lawful business purposes; provided, however, that a permit for such use shall first be obtained from the mayor who shall be satisfied as to the contemplated use prior to issuance of such permit and who may revoke same at any time for violations of this section; and provided further that in such permit the mayor may limit the hours of the day and the number of days during which said permit may be used.

(3) Prima facie violation. The operation of any radio, television set, phonograph, or similar device at any time in such a manner as to be plainly audible at either the property line, or 25 feet in the case of such device being located in a vehicle on public rights of way, shall be prima facie evidence of a violation of this section.

(4) Injunction. As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (1981 Code, § 10-230)

11-303. Disrupting meeting or procession. (1) A person commits an offense if, with the intent to prevent or disrupt a lawful meeting, processions, or gathering, the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

(2) A violation of this section shall result in a \$50.00 fine. (as added by Ord. #01/02-26, June 2002)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-401. Escape from custody or confinement.
- 11-402. Impersonating a government officer or employee.
- 11-403. False emergency alarms.
- 11-404. Resisting or interfering with town personnel.
- 11-405. Coercing people not to work.

11-401. 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. (1981 Code, § 10-209)

11-402. 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. (1981 Code, § 10-211)

11-403. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1981 Code, § 10-217)

11-404. Resisting or interfering with town personnel. 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 municipal duties. (1981 Code, § 10-210)

11-405. 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. (1981 Code, § 10-227)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the Town of Dandridge 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. (1981 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1981 Code, § 10-214)

11-503. Weapons and firearms generally. (1) It shall be unlawful for any unauthorized person to discharge a firearm within the municipality; provided, however, the prohibition herein against discharging firearms shall not apply to organized and supervised firing ranges within permitted areas within the city.

(2) The chief of police, or whomever he may designate on the police force, may authorize special firings for special events as long as the event is conducted under the guidance and supervision of the police department. (1981 Code, § 10-212, as replaced by Ord. #03/04-24, April 2004)

CHAPTER 6**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

11-601. Trespassing.

11-602. Malicious mischief.

11-603. Interference with traffic.

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail promptly to leave the private premises of any person who requests or directs him to leave. (1981 Code, § 10-223)

11-602. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1981 Code, § 10-222)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1981 Code, § 10-229)

CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Abandoned refrigerators, etc.

11-702. Caves, wells, cisterns, etc.

11-703. Posting notices, etc.

11-704. Curfew for minors.

11-705. Wearing masks.

11-706. Halloween curfew.

11-701. 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. (1981 Code, § 10-219)

11-702. 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. (1981 Code, § 10-228)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1981 Code, § 10-224)

11-704. Curfew for minors. It shall be unlawful for any minor under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. (11:59 on Saturdays) and 5:00 A.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1981 Code, § 10-220)

11-705. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the mayor to wear a traditional holiday costume. (1981 Code, § 10-231)

11-706. Halloween curfew. There shall be a curfew on all unauthorized persons in the Town of Dandridge beginning at 9:00 P.M. on Halloween (October 31) and the same shall continue and be in effect until sunrise of the following day. Parking shall be prohibited in the downtown area from 6:00 P.M. on October 31 to sunrise the next day.

"Curfew" is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, motoring, or in any way otherwise being present upon any alley, street, highway, public property, business premises, or vacant premises within the corporate limits of the Town of Dandridge, except law enforcement officers or those lawfully on the streets as defined hereafter. Any curfew shall not apply to persons lawfully on the streets who have obtained permission from the chief of police or other law enforcement officers then in charge of municipal law enforcement, which permission shall be granted on good cause shown. This curfew shall not apply to medical personnel in the performance of their duties. (1981 Code, § 10-221)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. HOUSING CODE.
5. GAS CODE.
6. MECHANICAL CODE.
7. UNSAFE BUILDING ABATEMENT CODE.
8. MODEL ENERGY CODE.
9. AMUSEMENT DEVICE CODE.
10. SWIMMING POOL CODE.
11. EXISTING BUILDINGS CODE.
12. ONE AND TWO FAMILY DWELLING CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Building permits and fees.
- 12-104. Available in recorder's office.
- 12-105. Violations.
- 12-106. Plan review procedures and fees.

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

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

Building Code¹, 1999 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. Any matters in the building code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1981 Code, § 4-101, as amended by Ord. #89/90-4, Dec. 1989, modified; Ord. #95/96-5, Jan. 1996; Ord. #96/97-16, March 1997; Ord. #97/98-26, April 1998; and Ord. #99/00-10, Sept. 1999)

12-102. Modifications. Within the building code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the building code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned. Section 107 of the building code is hereby deleted. (1981 Code, § 4-102, as amended by Ord. #99/00-10, Sept. 1999)

12-103. Building permits and fees. (1) A building permit must be obtained, and the fee paid therefore, before any individual may commence:

- (a) Construction of a new residence or building;
- (b) Set up and/or underpin a mobile home; or
- (c) Any addition to an existing structure including covered porches;
- (d) Construction of a swimming pool or tennis court.

(2) A building permit must be obtained, but no fee is required, before any individual may commence:

- (a) Construction of an open deck, porch or patio;
- (b) Construction of a new driveway, sidewalk or parking lot;
- (c) Construction, installation or set up a new sign;
- (d) Moving of a building;
- (e) Demolition of a building;
- (f) Construction of a fence or retaining wall adjoining city streets; or
- (g) Construction of a single detached building not exceeding 150 square feet.

(3) No building permit is needed for:

- (a) Any interior changes which do not require structural changes;

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

- (b) Any wiring changes (may need electrical permit from Appalachian Electric Co-op);
- (c) Any plumbing change (may need health department permit);
- (d) Replacement of doors or windows;
- (e) Replacement of roof or siding; or
- (f) Septic systems.

(4) Permit fees relating to the construction, moving or demolition of buildings, residences or additions thereto, shall be as follows:

(a) Total Valuation	Fee
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(b) For the moving of any building or structure, the fee shall be \$100.

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

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

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

(e) When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by a 104.2, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in 104.7. Such plan-checking fee is in addition to the building permit fee.

(5) If any construction, alterations, modifications or other work requiring the issuance of a building permit is commenced or started before said permit is obtained, the owner of the property where a violation of this chapter occurs may be subjected to a fine of double the permit fee or if no permit fee is required, a minimum of \$25.00.

(6) The permit fees for mobile homes shall be as follows:

(a) New mobile homes. (i) Single wide unit--Bill of sale price divided by \$1,000, multiplied by 3 then add \$225.00.

(ii) Double wide unit--Bill of sale price divided by \$1,000, multiplied by 3, add \$225.00.

(b) Used mobile homes. (i) Single wide unit--Length of unit multiplied by \$300 per foot, multiply by \$3.00, divided by \$1,000, add \$225.00.

(ii) Double wide unit--Length of unit multiplied by \$300.00 per foot, multiply by \$3.00, divide by \$1,000, add \$225.00.

(c) Penalties. Failure to obtain a building permit before commencing the set up of a mobile home will result in a penalty of double the permit fee. (Ord. #87/88-5, Dec. 1989, as amended by Ord. #99/00-16, Dec. 1999; Ord. #00/01-24, June 2001; Ord. #01/02-16, Jan. 2002; and Ord. #02/03-12, Dec. 2002)

12-104. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1981 Code, § 4-104, modified)

12-105. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1981 Code, § 4-105)

12-106. Plan review procedures and fees. When plans are required by the building official to be reviewed by the Southern Building Code Congress International, Inc., a non refundable plan review fee shall be paid to the Town of Dandridge by the applicant at the time application is made for a building permit.

Said fee shall be in accordance with the following schedule:

Change 3, December 17, 2002

12-4.1

<u>Total Building Valuation</u>	<u>Fee</u>
\$0 - 500,000	\$800.00
500,001 - 5,000,000	\$800.00 plus \$0.55/\$1000 for each \$1000 in excess of \$500,000
5,000,001 - and more	\$3275.00 plus \$0.45/\$1000 for each \$1000 in excess of \$5,000,000

The above fees are for a plan review using the Standard Building Code. There is a base fee multiplier of 15 percent additional for reviews including any other standard codes (plumbing, gas and mechanical, etc.) (Ord. #87/88-4, Dec. 1987)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,² 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. Any matters in the plumbing code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1981 Code, § 4-201, as amended by Ord. #89/90-4, Dec. 1990, modified; Ord. #95/96-5, Jan. 1996; Ord. #96/97-15, March 1997; Ord. #97/98-26, April 1998; and Ord. #99/00-10, Sept. 1999)

12-202. Modifications. Within the plumbing code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of the plumbing code are concerned. (1981 Code, § 4-202, as amended by Ord. #99/00-10, Sept. 1999)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1981 Code, § 4-203, modified)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1981 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 1996 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1981 Code, § 4-301, modified, as amended by Ord. #95/96-5, Jan. 1996; Ord. #96/97-16, March 1997; and Ord. 97/98-26, April 1998)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1981 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this town until a permit therefor has been issued by the town. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1981 Code, § 4-303)

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

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

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

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1981 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1981 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1981 Code, § 4-306)

CHAPTER 4

HOUSING CODE

SECTION

12-401. Housing code adopted.

12-402. Modifications.

12-403. Available in recorder's office.

12-404. Violations.

12-405. Prefabricated structures; modular building units; single-wide mobile homes.

12-401. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,¹ 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. Any matters in the housing code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1981 Code, § 4-401, as amended by Ord. #89/90-4, Dec. 1990, modified; Ord. #95/96-5, Jan. 1996; Ord. #96/97-16, March 1997; Ord. #97/98-26, April 1998; and Ord. #99/00-10, Sept. 1999)

12-402. Modifications. Within the housing code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the housing code shall be deemed to be the responsible official insofar as enforcing the provisions of the housing code are concerned. (1981 Code, § 4-402, as amended by Ord. #99/00-10, Sept. 1999)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1981 Code, § 4-403, modified)

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

12-404. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1981 Code, § 4-404)

12-405. Prefabricated structures; modular building units; single-wide mobile homes. Prefabricated structures or modular building units manufactured off-site and transported to the point of use and installed on a permanent concrete or masonry foundation as a finished building with permanent sewer and water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the Commissioner of the Tennessee Department of Commerce and Insurance or an approved inspection agency, as specified in Tennessee Code Annotated, title 58, chapter 36, part 3.

Single-wide mobile homes, defined as prefabricated and constructed as a single self-contained unit and mounted on a single chassis (Tennessee Code Annotated, §§ 13-24-201 and 68-126-202(4), (6), and (7)), shall be required to have tie-downs installed upon site set-up. Furthermore, all single wide mobile homes shall be required to have underpinning. Said underpinning shall be permanently installed around the entire periphery of the dwelling unit, shall cover all openings underneath the mobile home from the bottom of the chassis to the ground--except for standard vents, and shall be of such construction that the materials used block any view of the underside of the mobile home. (as added by Ord. #98/99-8, Oct. 1998)

CHAPTER 5

GAS CODE¹

SECTION

- 12-501. Title and definitions.
- 12-502. Purpose and scope.
- 12-503. Use of existing piping and appliances.
- 12-504. Bond and license.
- 12-505. Gas inspector and assistants.
- 12-506. Powers and duties of inspector.
- 12-507. Permits.
- 12-508. Inspections.
- 12-509. Certificates.
- 12-510. Fees.
- 12-511. Violations and penalties.
- 12-512. Nonliability.
- 12-513. Modifications.

12-501. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the town. The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (Ord. #89/90-4, Dec. 1989)

12-502. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

¹Municipal code reference

Gas system administration: title 19, chapter 2.

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 1997 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. Any matters in the gas code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. One (1) copy of the gas code shall be kept on file in the office of the recorder for the use and inspection of the public. (Ord. #89/90-4, Dec. 1989, modified, as amended by Ord. #95/96-5, Jan. 1996; Ord. #96/97-16, March 1997; Ord. #97/98-26, April 1998; and Ord. #99/00-10, Sept. 1999)

12-503. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (Ord. #89/90-4, Dec. 1989)

12-504. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the mayor a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (Ord. #89/90-4, Dec. 1989)

12-505. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen. (Ord. #89/90-4, Dec. 1989)

12-506. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (Ord. #89/90-4, Dec. 1989)

12-507. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the mayor; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

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

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (Ord. #89/90-4, Dec. 1989)

12-508. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (Ord. #89/90-4, Dec. 1989)

12-509. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (Ord. #89/90-4, Dec. 1989)

12-510. Fees. The permit fee schedule as recommended in Appendix "B" of the gas code is hereby adopted. (Ord. #89/90-4, Dec. 1989)

12-511. 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. (Ord. #89/90-4, Dec. 1989)

12-512. Nonliability. This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by

installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (Ord. #89/90-4, Dec. 1989)

12-513. Modifications. Within the gas code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the gas code shall be deemed to be the responsible official insofar as enforcing the provisions of the gas code are concerned. (as added by Ord. #99/00-10, Sept. 1999)

CHAPTER 6

MECHANICAL CODE¹

SECTION

- 12-601. Mechanical code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations.

12-601. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516 and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the Standard Mechanical Code², 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. Any matters in the mechanical code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #89/90-4, Dec. 1989, modified, as amended by Ord. #95/96-5, Jan. 1996; Ord. #96/97-16, March 1997; Ord. #97/98-26, April 1998; and Ord. #99/00-10, Sept. 1999)

12-602. Modifications. Within the mechanical code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned. (Ord. #89/90-4, Dec. 1989, as replaced by Ord. #99/00-10, Sept. 1999)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the mechanical code has

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #89/90-4, Dec. 1989)

12-604. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. (Ord. #89/90-4, Dec. 1989)

CHAPTER 7

UNSAFE BUILDING ABATEMENT CODE

SECTION

12-701. Unsafe building abatement code adopted.

12-702. Amendments.

12-701. Unsafe building abatement code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of regulating buildings and structures to insure structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, within or without the town, the Standard Unsafe Building Abatement Code¹, 1985 edition as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. Any matters in the unsafe building abatement code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #91/92-2, July 1991, modified; as amended by Ord. #99/00-10, Sept. 1999)

12-702. Amendments. The Standard Unsafe Building Abatement Code (1985 Edition) Section 105, Board of Adjustments and Appeals, shall be amended to reflect that the Board of Adjustments and Appeals for the Town of Dandridge, Tennessee shall be composed of the Planning Commission for the Town of Dandridge, Tennessee. Further, the term of office for the Board of Adjustments and Appeals for the Town of Dandridge, Tennessee shall be the same as the term of office for the regular members of the planning commission. All other portions of the Standard Unsafe Building Abatement Code (1985 Edition) Section 105, Board of Adjustments and Appeals, shall remain the same.

Within the unsafe building abatement code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the unsafe building abatement code shall be deemed to be the responsible official insofar as enforcing the provisions of the unsafe building

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

abatement code are concerned. (Ord. #91/92-2, July 1991, as amended by Ord. #99/00-10, Sept. 1999)

CHAPTER 8

MODEL ENERGY CODE¹**SECTION**

- 12-801. Model energy code adopted.
 12-802. Modifications.
 12-803. Available in recorder's office.
 12-804. Violations and penalty.

12-801. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code² 1995 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (as amended by Ord. #95/96-5, Jan. 1996; Ord. #96/97-16, March 1997; and Ord. #97/98-26, April 1998)

12-802. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Dandridge. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

12-803. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

¹State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-804. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 9

AMUSEMENT DEVICE CODE¹

SECTION

- 12-901. Amusement device code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.
- 12-904. Violations.

12-901. Amusement device code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-516, and for the purpose of regulating the installation, construction, alteration, repair, removal, operation and use of amusement rides and devices, the Standard Amusement Device Code,² 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the amusement device code. Any matters in the amusement device code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #97/98-26, April 1998, and amended by Ord. #99/00-10, Sept. 1999)

12-902. Modifications. Within the amusement device code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the amusement device code shall be deemed to be the responsible official insofar as enforcing the provisions of the amusement device code are concerned. (as added by Ord. #97/98-26, April 1998, and replaced by Ord. #99/00-10, Sept. 1999)

12-903. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the amusement device code has been placed on file in the recorder's office and shall be kept there

¹Municipal code references:

- Fire protection, fireworks, and explosives: title 7.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

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

for the use and inspection of the public. (as added by Ord. #97/98-26, April 1998)

12-904. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the amusement device code as herein adopted by reference and modified. (as added by Ord. #97/98-26, April 1998)

CHAPTER 10**SWIMMING POOL CODE**¹**SECTION**

- 12-1001. Swimming pool code adopted.
- 12-1002. Modifications.
- 12-1003. Available in recorder's office.
- 12-1004. Violations.

12-1001. Swimming pool code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-516, and for the purpose of setting standards for the design, construction, or installation, alteration, repair or alterations of swimming pools, public or private and equipment related thereto. The Standard Swimming Pool Code,² 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the swimming pool code. Any matters in the swimming pool code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #97/98-26, April 1998, and amended by Ord. #99/00-10, Sept. 1999)

12-1002. Modifications. Within the swimming pool code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the swimming pool code shall be deemed to be the responsible official insofar as enforcing the provisions of the swimming pool code are concerned. (as added by Ord. #97/98-26, April 1998, and replaced by Ord. #99/00-10, Sept. 1999)

12-1003. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the swimming pool code has been placed on file in the recorder's office and shall be

¹Municipal code references:

- Fire protection, fireworks, and explosives: title 7.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

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

kept there for the use and inspection of the public. (as added by Ord. #97/98-26, April 1998)

12-1004. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the swimming pool code as herein adopted by reference and modified. (as added by Ord. #97/98-26, April 1998)

CHAPTER 11**EXISTING BUILDINGS CODE****SECTION**

12-1101. Existing buildings code adopted.

12-1102. Modifications.

12-1101. Existing buildings code adopted. The Standard Existing Buildings Code, 1997 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the existing buildings code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #99/00-10, Sept. 1999)

12-1102. Modifications. Within the existing buildings code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the existing buildings code shall be deemed to be the responsible official insofar as enforcing the provisions of the existing buildings code are concerned. (as added by Ord. #99/00-10, Sept. 1999)

CHAPTER 12**ONE AND TWO FAMILY DWELLING CODE****SECTION**

12-1201. One and two family dwelling code adopted.

12-1202. Modifications.

12-1201. One and two family dwelling code adopted. The CABO One and Two Family Dwelling Code, 1997 edition, is hereby adopted by reference as though it was copied herein fully. Any matters in the one and two family dwelling code which are contrary to existing ordinances of the Town of Dandridge, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (as added by Ord. #99/00-10, Sept. 1999)

12-1202. Modifications. Within the one and two family dwelling code, when reference is made to the duties of a certain official named therein, that designated official of the Town of Dandridge, Tennessee, who has duties corresponding to those of the named official in the one and two family dwelling code shall be deemed to be the responsible official insofar as enforcing the provisions of the one and two family dwelling code are concerned. (as added by Ord. #99/00-10, Sept. 1999)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. JUNKED MOTOR VEHICLES.
4. RENTAL PROPERTY REGULATIONS.
5. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.
- 13-108. Materials for filling of real property.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1981 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1981 Code, § 8-105)

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

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

without treating it so as to effectively prevent the breeding of mosquitoes. (1981 Code, § 8-106)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1981 Code, § 8-107)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1981 Code, § 8-108)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1981 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the town and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1981 Code, § 8-104)

13-108. Materials for filling of real property. It shall be unlawful for any person to fill or dump or to permit anyone to fill or dump any material on their real property other than dirt, rock, or stone without obtaining approval, in writing, from the town's building inspector. (as added by Ord. #97/98-4, Aug. 1997)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1981 Code, § 8-110)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 3**JUNKED MOTOR VEHICLES¹****SECTION**

- 13-301. Definitions.
- 13-302. Declared public nuisance.
- 13-303. Order to remove.
- 13-304. Removal by town.
- 13-305. Exemptions.
- 13-306. Penalties.

13-301. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

(1) "Junked motor vehicles." A junked motor vehicle is any motor vehicle the condition of which is one or more of the following:

- (a) Wrecked,
- (b) Dismantled,
- (c) Inoperative,
- (d) Abandoned, or
- (e) Discarded.

(2) "Motor vehicle." A motor vehicle is any vehicle which is self-propelled and any device in, upon, or by which any person or property is or may be transported or drawn from one location to another, except devices moved only by human power or used exclusively upon stationary rails or tracks. (1981 Code, § 8-501)

13-302. Declared public nuisance. The location or presence of any junked motor vehicle on any lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the town, shall be deemed a public nuisance and it shall be unlawful for any person to cause, maintain, or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning, or discarding a motor vehicle on the property of another, or to suffer, permit, or allow the same to be placed, located, maintained, or to exist upon his own real property. This section shall not apply to:

- (1) Any junked motor vehicle in an enclosed building.
- (2) Any junked motor vehicle in an appropriate storage place or depository maintained in an officially designated place and manner by the town. (1981 Code, § 8-502)

¹Municipal code reference

Disposal of abandoned motor vehicles: § 15-705.

13-303. Order to remove. Whenever any junked motor vehicle is found in the town in violation of this chapter, the recorder shall cause the owner or occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order. It shall be unlawful for the owner or occupant of the premises to fail, neglect, or refuse to obey such order within ten (10) days after service of the same. (1981 Code, § 8-503)

13-304. Removal by town. If the premises on which a junked motor vehicle is located contrary to this chapter are unoccupied and the owner or agent thereof cannot be found, or if he has permission of the owner of the premises, the recorder shall abate such public nuisance by entering upon the property and impounding and taking into custody the motor vehicle and disposing of same in accordance with Tennessee Code Annotated, title 55, chapter 16. Such impoundment and disposition shall not relieve any person from liability for penalty upon conviction for violating other provisions of this chapter, but is in addition to any other penalty. (1981 Code, § 8-504)

13-305. Exemptions. The provisions of this chapter shall not apply to:

- (1) Vehicles in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.
- (2) Vehicles stored by a member of the armed forces of the United States who is on active duty assignment, and stored with the permission of the property owner. (1981 Code, § 8-505)

13-306. Penalties. Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and shall be fined in accordance with the general penalty clause for this code. Each day in which such violation shall continue shall be deemed a separate offense. (1981 Code, § 8-506)

CHAPTER 4

RENTAL PROPERTY REGULATIONS

SECTION

13-401. Inspections.

13-402. Owners obligations.

13-403. City sanctions and procedures.

13-401. Inspections. The Building Inspector for the Town of Dandridge shall be empowered to inspect all rental properties within the corporate limits of the Town of Dandridge for compliance with the standards set forth in the SBCCI Standard Housing Code. This inspection will be performed during reasonable hours and upon presentation of appropriate identification to a tenant, agent, or owner in charge of such property. The building inspector shall give notice of alleged violations to the appropriate individual upon receipt of a complaint of a dwelling's condition. (as added by Ord. #96/97-12, March 1997)

13-402. Owners obligations. The owner of property rented out as a dwelling must insure that such property meet the minimum standards of the SBCCI Standard Housing Code. (as added by Ord. #96/97-12, March 1997)

13-403. City sanctions and procedures. Any owner notified of violations of the SBCCI Standard Housing Code shall appear before the Dandridge Planning Commission and give reason as to why the dwelling in question does meet the SBCCI Standard Housing Code. If the owner does not appear before the planning commission, he has 45 days to correct the deficiencies in the dwelling or he must remove the dwelling from the rental market. Failure to remove the deficient dwelling would subject the owner to a \$500 fine for every month the dwelling remains a rental property. (as added by Ord. #96/97-12, March 1997)

CHAPTER 5

SLUM CLEARANCE¹

SECTION

- 13-501. Findings of board.
- 13-502. Definitions.
- 13-503. "Public officer" designated; powers.
- 13-504. Initiation of proceedings; hearings.
- 13-505. Orders to owners of unfit structures.
- 13-506. When public officer may repair, etc.
- 13-507. When public officer may remove or demolish.
- 13-508. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-509. Basis for a finding of unfitness.
- 13-510. Service of complaints or orders.
- 13-511. Enjoining enforcement of order.
- 13-512. Additional powers of public officer.
- 13-513. Powers conferred are supplemental.
- 13-514. Structures unfit for human habitation deemed unlawful.

13-501. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (as added by Ord. #96/97-18, March 1997)

13-502. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(3) "Municipality" shall mean the Town of Dandridge, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

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

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

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #96/97-18, March 1997)

13-503. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (as added by Ord. #96/97-18, March 1997)

13-504. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #96/97-18, March 1997)

13-505. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such

determination and shall issue and cause to be served upon the owner thereof an order:

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

(2) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #96/97-18, March 1997)

13-506. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #96/97-18, March 1997)

13-507. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #96/97-18, March 1997)

13-508. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Jefferson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in

any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Jefferson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Dandridge to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #96/97-18, March 1997)

13-509. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Dandridge. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (as added by Ord. #96/97-18, March 1997)

13-510. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Jefferson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #96/97-18, March 1997)

13-511. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit,

issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #96/97-18, March 1997)

13-512. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

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

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

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

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #96/97-18, March 1997)

13-513. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #96/97-18, March 1997)

13-514. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to

continue shall constitute a separate offense. (as added by Ord. #96/97-18, March 1997)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. TOWN OF DANDRIDGE HISTORICAL PLANNING COMMISSION.
5. GRADING, SOIL EROSION AND SEDIMENTATION CONTROL.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION¹

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of nine (9) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other seven (7) members shall be appointed by the mayor. One of the members to be appointed by the mayor shall be a business owner, or his representative, from one of the businesses in the 417 interchange area. All members of the planning commission shall serve as such without compensation. The terms of the seven (7) members appointed by the mayor shall be for three (3) years each. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #92/93-7, June 1993; as amended by Ord. #96/97-15, March 1997)

¹Effective July 1, 2002, fees shall be charged to individuals or entities appearing before the Dandridge Planning Commission as set out in Ord. #01/02-28, June 2002, of record in the office of the city recorder.

14-102. Organization, powers, duties, etc.¹ The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1981 Code, § 11-102)

¹For the planning commission's future involvement in utility policies see Ord. #99/00-20, March 2000, of record in the office of the city recorder.

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Dandridge shall be governed by Ordinance Number 03/04-05, titled "Zoning Ordinance, Dandridge, Tennessee," and any amendments thereto.¹

¹Ordinance No. 03/04-05, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3**FLOOD DAMAGE PREVENTION ORDINANCE****SECTION**

14-301. Flood damage control to be governed by flood damage prevention ordinance.

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the Town of Dandridge shall be governed by Ordinance Number 94/95-8, titled "Municipal Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance No. 94/95-8, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 4

TOWN OF DANDRIDGE HISTORICAL PLANNING COMMISSION¹

SECTION

- 14-401. Statement of purpose.
- 14-402. Historic planning commission: composition and terms.
- 14-403. Powers of the commission.
- 14-404. Rules of order (by-laws).
- 14-405. Designation of landmarks, landmark sites, and historic districts.
- 14-406. Certificates of appropriateness.
- 14-407. Criteria for issuance of certificates of appropriateness.
- 14-408. Procedures for issuance of certificates of appropriateness.
- 14-409. Appeals.
- 14-410. Minimum maintenance requirements.
- 14-411. Public safety exclusion.
- 14-412. Enforcement and penalties.
- 14-413. Appropriations.
- 14-414. Disqualification of members by conflict of interest.

14-401. Statement of purpose. Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting.

More specifically, this historic preservation chapter is designed to achieve the following goals:

- (1) Protect, enhance and perpetuate resources which represent distinctive and significant elements of the town's historical, cultural, social, economic, political, archaeological, and architectural identity;
- (2) Insure the harmonious, orderly, and efficient growth and development of the town;
- (3) Strengthen civic pride and cultural stability through neighborhood conservation;
- (4) Stabilize the economy of the town through the continued use, preservation, and revitalization of its resources;
- (5) Promote the use of resources for the education, pleasure, and welfare of the people of the Town of Dandridge.
- (6) Provide a review process for the preservation and development of the town's resources. (as added by Ord. #00/01-19, April 2001, and replaced by Ord. #03/04-18, March 2004)

¹Effective September 1, 2002, fees shall be charged to individuals or entities appearing before the Dandridge Historical Planning Commission as set out in Ord. #02/03-04, Aug. 2002, of record in the office of the city recorder.

14-402. Historic planning commission: composition and terms.

The town is authorized to establish an historic planning commission to preserve, promote, and develop the town's historical resources and to advise the town on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by law.

The commission shall consist of seven members and which shall consist of a representative of a local patriotic or historical organization and an architect or engineer, if available; a person who is a member of the local planning commission at the time of his/her appointment; and the remainder shall be from the community in general.

All members of the commission are appointed by the mayor and shall serve for designated terms and may be re-appointed. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation, to the extent available in the community. The town should appoint professional members from the primary historic preservation-related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The mayor shall document a "good faith effort" to locate professionals to serve on the commission before appointing lay members. The commission shall also seek the advice, as needed, of professionals not serving on the board. (as added by Ord. #03/04-18, March 2004)

14-403. Powers of the commission. (1) The commission shall conduct or cause to be conducted a continuing study and survey of resources within the Town of Dandridge.

(2) The commission shall recommend to the town the adoption of ordinances designating preservation districts, landmarks, and landmark sites.

(3) The commission may recommend that the town recognize sub-districts within any preservation district, in order that the commission may adopt specific guidelines for the regulation of properties within such a sub-district.

(4) The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the preservation districts, landmarks, and landmark sites.

(5) The commission shall grant or deny certificates of appropriateness, and may grant certificates of appropriateness contingent upon the acceptance by the applicant of specified conditions.

(6) The commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.

(7) The commission, subject to the requirements of the town, is authorized to apply for, receive, hold, and spend funds from private and public

sources, in addition to appropriateness made by the town for the purpose of carrying out the provisions of this chapter.

(8) The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation.

(9) The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof.

(10) To authorize the town's building inspector to perform such duties and inspection and grant approvals for specific projects that the commission designates. (as added by Ord. #03/04-18, March 2004)

14-404. Rules of order (by-laws). To fulfill the purposes of this chapter and carry out the provisions contained therein:

(1) The commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.

(2) The commission shall govern the conduct of its business pursuant to Roberts Rules of Order.

(3) The commission shall develop design review guidelines for determining appropriateness as generally set forth in § 14-407 of this chapter. Such criteria shall insofar as possible be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards for Rehabilitation.

(4) The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.

(5) The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of this chapter and regular meetings shall be scheduled at least once every three (3) months. The chairman or any two (2) members may call a special meeting to consider an urgent matter. (as added by Ord. #03/04-18, March 2004)

14-405. Designation of landmarks, landmark sites, and historic districts. By ordinance, the town may establish landmarks, landmark sites, and preservation districts within the area of its jurisdiction. Such landmarks, landmark sites, or preservation districts shall be designated following the criteria as specified in § 14-401.

(1) The commission shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the town's resources. The findings shall be collected in a cohesive format, made a matter of public record, and made available for public inspection. The commission shall work toward providing complete documentation for previously designated preservation districts which would include:

(a) A survey of all property within the boundary of the district, with photographs of each building.

(b) A survey which would be in a format consistent with the statewide inventory format of the Historic Preservation Division of the (SHPO).

(2) The commission shall advise the town on the designation of preservation districts, landmarks, or landmark sites and submit or cause to be prepared ordinances to make such designation.

(3) A resource or resources may be nominated for designation upon motion of three members of the commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the commission. The commission must reach a decision on whether to recommend a proposed nomination to the town with six months in the case of a preservation district and two months in the case of either a landmark or landmark site. After six months for a district and two months for a landmark or landmark site if no action has been taken by the commission the nomination proceeds to the planning commission for their recommendation to the board of mayor and alderman.

(4) The commission shall hold a public hearing on the proposed preservation district, landmark, or landmark site. If the commission votes to recommend to the town the designation of a proposed resource, it shall promptly forward to the planning commission its recommendations, in writing, together with an accompanying file.

(5) The commission's recommendations to the town for designation of a preservation district shall be accompanied by:

(a) A map of the preservation district that clearly delineates the boundaries.

(b) A verbal boundary description and justification.

(c) A written statement of significance for the proposed preservation district.

(6) The town board of mayor and alderman shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published in the newspaper published in the town. If a newspaper is not published in the town, then the notice shall be published in a paper published in the county.

(7) Within sixty (60) calendar days after the public hearing held in connection herewith, the town shall adopt the ordinance with such modifications as may be necessary.

(8) Furthermore, the commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and preservation districts. An updated list and map shall be maintained by such agencies and made available to the public. (as added by Ord. #03/04-18, March 2004)

14-406. Certificates of appropriateness. No exterior feature of any resource shall be altered, added to, relocated, or demolished until after an application for a certificate of appropriateness of such work has been approved by the commission. Likewise, no construction which affects a resource shall be undertaken without a certificate of appropriateness. Therefore,

(1) The commission shall serve as a review body with the power to approve or deny applications for certificates of appropriateness.

(2) In approving and denying applications for certificates of appropriateness, the commission shall accomplish the purposes of this chapter.

(3) A certificate of appropriateness shall not be required for work deemed by the commission to be ordinary maintenance or repair of any resource.

(4) All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations, and the reasons therefore.

(5) Expiration of a Certificate of Appropriateness: A certificate of appropriateness shall expire twelve months after its issuance except that a certificate shall expire if work has not begun within six months of its issuance. When a certificate has expired, an applicant may seek a new certificate.

(6) Resubmitting of applications: Twelve months after denial of an application for a certificate of appropriateness, the application may be resubmitted without change. A changed application may be resubmitted at any time. (as added by Ord. #03/04-18, March 2004)

14-407. Criteria for issuance of certificates of appropriateness. The commission shall use the Town of Dandridge Historic Guidelines, which have been previously adopted and are hereby incorporated herein, as the basis for design guidelines created for each district or landmark and the following criteria in granting or denying certificates of appropriateness:

(1) General factors. (a) Architectural design of existing building, structure, or appurtenance and proposed alteration;

(b) Historical significance of the resource;

(c) Materials composing the resource;

(d) Size of the resource;

(e) The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a preservation district, upon

the district as a whole and its architectural and historical character and integrity.

(2) New construction. (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportion between width and height of the facade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, the materials, the textures, the patterns, the trims, and the design of the roof.

(b) Existing rhythm created by existing building masses and spaces between them shall be preserved.

(c) The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.

(d) No specific architectural style shall be required.

(3) Exterior alteration. (a) All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in § 14-408(1) and (2), and the design, over time, of a building, structure, object, or landscape feature shall be considered in applying these standards.

(b) Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.

(4) In considering an application for the demolition of a landmark or a resource within a preservation district, the following shall be considered:

(a) The commission shall consider the individual architectural, cultural, and/or historical significance of the resource.

(b) The commission shall consider the importance or contribution of the resource to the architectural character of the district.

(c) The commission shall consider the importance or contribution of the resource to neighboring property values.

(d) The commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.

(e) Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, if any, as set forth in § 14-408(2) prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and

completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.

(f) Applicants that have received a recommendation for demolition shall be required to receive such demolition permit as well as certificate of appropriateness for the new construction. Permits for demolition and construction shall not be issued simultaneously.

(g) When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate town boards, commissions, departments, and agencies. (as added by Ord. #03/04-18, March 2004)

14-408. Procedures for issuance of certificates of appropriateness. Anyone desiring to take action requiring a certificate of appropriateness concerning a resource for which a permit, variance, or other authorization from the town building inspector is also required, shall make application therefore in the form and manner required by the applicable code section or ordinance. Any such application shall also be considered an application for a certificate of appropriateness and shall include such additional information as may be required by the commission. After receipt of any such application, the town building inspector shall be assured that the application is proper and complete. No building permit shall be issued by the town building inspector which affects a resource without a certificate of appropriateness. In the event that a building permit need not be obtained for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness is still required before such work can be undertaken. Such application shall be reviewed in accordance with the following procedure:

(1) When any such application is filed, the town building inspector shall immediately notify the commission chairman, vice-chairman, or staff of the application having been filed.

(2) The chairman or vice-chairman shall set the agenda for the regular meeting date or set a time and date, which shall be not later than thirty (30) days after the filing of the application for a hearing by the commission, and the town building inspector shall be so informed.

(3) The applicant shall have the right to submit a preliminary plan to the commission for the purpose of making any changes or adjustments which might be more consistent with the commission's standards.

(4) Not later than eight days before the date set for the said hearing, the town official shall mail notice thereof to the applicant at the address in the application and to all members of the commission.

(5) Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the town at least eight days before such hearing and by posting such notice on the bulletin board in the lobby of town hall.

(6) At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.

(7) The commission shall have the right to conditional approval.

(8) Either at the meeting or within thirty-one (31) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in § 14-408 hereof. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the town building inspector.

(9) The issuance of a certificate of appropriateness shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the town concerning zoning, construction, repair, or demolition. (as added by Ord. #03/04-18, March 2004)

14-409. Appeals. The applicant who desires to appeal a decision by the commission shall file an appeal with the circuit court (after the determination of the issue by the commission) in the manner provided by law. (as added by Ord. #03/04-18, March 2004)

14-410. Minimum maintenance requirements. In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the town's minimum housing code and the town's building code. (as added by Ord. #03/04-18, March 2004)

14-411. Public safety exclusion. None of the provisions of this chapter shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the town's building inspector or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a preservation district, shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

(1) The town building inspector concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.

(2) The preservation commission, if in doubt after receiving such notification from the town building inspector, shall be allowed time to seek outside professional expertise from the State Historic Preservation Office and/or an independent structural engineer before issuing a certificate of appropriateness for the demolition. The commission may indicate in writing by letter to the town building inspector that it will require a time period of up to thirty days for this purpose, and, upon such notification to the town building inspector, this section shall be suspended until the expiration of such a delay period. (as added by Ord. #03/04-18, March 2004)

14-412. Enforcement and penalties. The historic planning commission shall be enforced by the town building inspector, who shall have the right to issue a citation to enforce the provisions set forth in this chapter and the commission's guidelines.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (as added by Ord. #03/04-18, March 2004)

14-413. Appropriations. The town is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties. (as added by Ord. #03/04-18, March 2004)

14-414. Disqualification of members by conflict of interest. No member shall be qualified to vote on a project they own an interest in or in which they have been employed or hired to rehabilitate or refurbish. (as added by Ord. #03/04-18, March 2004)

CHAPTER 5

GRADING, SOIL EROSION AND SEDIMENTATION CONTROL

SECTION

- 14-501. Purpose.
- 14-502. Rules applying to chapter.
- 14-503. Definitions.
- 14-504. Existing eroding areas.
- 14-505. Grading permit required.
- 14-506. Exceptions.
- 14-507. Application and plan review.
- 14-508. Inspection and enforcement.
- 14-509. Bond requirements, fees.
- 14-510. General criteria.
- 14-511. Adjustments.
- 14-512. Final inspection.
- 14-513. Appeals.
- 14-514. Penalties.

14-501. Purpose. In the past, development within the town's corporate limits has caused the displacement of large quantities of earth. Significant problems resulting from such development are soil erosion and sedimentation which cause contamination of water supplies and water resources and are a major source of pollution. A build-up of sediment destroys valuable resources, clogs watercourses and causes flooding which results in substantial damage to public and private lands. The result is a serious threat to the health, safety, and general welfare of the community.

Therefore, the purpose of this chapter is to substantially reduce erosion and sediment damage within the town's corporate limits and is designed to safeguard the health, safety, and general welfare of the citizens; to preserve the value of land throughout the town; to establish reasonable and accepted standards of design and procedures for development which prevent sediment damage; to prevent the pollution of streams, ponds, and other water courses by sediment; to minimize property damage by means of flooding and to preserve the natural beauty and aesthetics of the community. (as added by Ord. #01/02-27, June 2002)

14-502. Rules applying to chapter. For the purpose of this chapter, certain rules of construction shall apply herein as follows:

- (1) Words used in the present tense shall include the future tense and the singular includes the plural, unless otherwise indicated in the text.
- (2) The term "shall" is always mandatory and the words "may" and "should" are discretionary in nature.

(3) Except as herein provided, all words used in this chapter shall have their common dictionary definition. (as added by Ord. #01/02-27, June 2002)

14-503. Definitions. (1) "Development standards board of appeals." The body which has been delegated the authority by the Board of Mayor and Alderman of the Town of Dandridge to hear appeals concerning decisions made by the town administrator or their designee as to the interpretation of the meaning of this code.

(2) "Building permit." A general permit issued authorizing any owner, authorized agent, or contractor to construct, enlarge, alter, repair, move, demolish, or change the occupancy or a building or structure, or to perform any or to cause any such work to be done.

(3) "Cut." Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

(4) "Developer." The owner or person, firm, partnership, or corporation authorized by the owner to carry out the development of the land.

(5) "Development." The process of grading, clearing, filling, quarrying, construction, or reconstruction to improved or unimproved real estate or other similar activities when not excluded by exemptions from this chapter.

(6) "Erosion." The wearing away of land by action of wind, water, or gravity.

(7) "Erosion and sediment control plan." The plan required before a grading permit may be issued. The plan may be included as part of a preliminary plan required under another town ordinance or a separate plan following the specifications set out in this chapter.

(8) "Excavation." See "Cut."

(9) "Existing grade." The slope or elevation of existing ground surface prior to cutting or filling.

(10) "Fill." Portion of land surface or area to which soil, rock or other approved materials have been or will be added; height above original ground surface after the material has been or will be added.

(11) "Final grade." The final slope or elevation of the ground surface after cutting or filling.

(12) "Final plan." The approved erosion and sediment control plan. This plan may differ from the erosion and sediment control plan if adjustments or amendments are required by the town.

(13) "Grading." Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing, stock piling, or where any ground cover, natural or manmade, is removed, or any buildings or other structures are removed or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. "Grading" shall be synonymous with "land disturbing activity."

(14) "Grading permit." A permit issued to authorize excavation and/or fill to be performed under the guidelines of this chapter.

(15) "Inspector." The building inspector or their designee who issues grading permits and carries out inspections of the permitted activities.

(16) "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing plant cover.

(17) "Owner." The legal owner of the property as recorded in the Jefferson County Register of Deeds office at the time of application of the grading permit. The person ultimately responsible for adhering to the provisions of this chapter.

(18) "Sediment." Rock, sand, gravel, silt, or other material deposited by action of wind, water, or gravity.

(19) "Sediment basin, trap, barrier, or perimeter dike." A barrier or dam built across a waterway or watercourse, or at other locations to retain sediment.

(20) "Soil stabilization." Measures which protect soil from erosion.

(21) "Stripping." Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

(22) "Use." Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or tract of land. (as added by Ord. #01/02-27, June 2002)

14-504. Existing eroding areas. Upon written notification from the building inspector or their designee, the owner of a parcel of land which exhibits unstable or eroding soil conditions shall correct the problem within a thirty (30) calendar day period. The period may be extended upon request if conditions warrant. Minimum correction measures shall include stabilizing slopes and re-vegetating all exposed soil surfaces. Before commencing corrective measures, the owner shall consult with the building inspector or their designee to determine an acceptable method of correction and the corrective measures shall be reduced to writing, signed by both the owner and building inspector. (as added by Ord. #01/02-27, June 2002)

14-505. Grading permit required. Except as permitted in § 14-506, no individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, county, city, or other political subdivision, cooperative, or any other legal entity shall engage in any land-disturbing activity within the corporate limits of the town which may result in soil erosion from water or wind and the movement of sediments, including, but not limited to, clearing, grading,

excavation, transporting, and filling unless a grading permit has first been obtained from the office of the building inspector or their designee.

All development activities which require right-of-way cuts or excavation within the development site and shown on a site plan shall be subject to all additional applicable fees. Grading activities which involve no construction or right-of-way cuts shall be subject to the grading permit fee schedule only.

All exceptions to the chapter, which are outlined in § 14-506, and which involve land disturbing activities will be required to use and maintain erosion control techniques and follow those requirements outlined in § 14-510. If unstable or eroding soil conditions exist during the construction of those structures exempted in § 14-506, then § 14-504 shall prevail. These general provisions of controlling erosion shall be adhered to prior to the issuance of a certificate of occupancy. (as added by Ord. #01/02-27, June 2002)

14-506. Exceptions. Permits shall not be required for the following land disturbing activities:

(1) Home gardens, home landscaping, or lawn preparations on existing lots or parcels unless the possibility for erosion or alteration of drainage is such to necessitate a grading permit.

(2) Individual utility service connections.

(3) Construction, installation, or maintenance of electric, telephone, and cable television lines and poles.

(4) Installation, maintenance and repair of any underground public utility line when such activity occurs on an existing right-of-way, and a cut or excavation permit has been obtained.

(5) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, if following a plan approved by local soil conservation service.

(6) Emergency work to protect life or property. Upon completion of emergency work, the disturbed area shall be shaped and stabilized in accordance with this chapter, if deemed necessary.

(7) Installation or maintenance of approved sub-surface sewage disposal fields. (as added by Ord. #01/02-27, June 2002)

14-507. Application and plan review. No grading permit shall be issued until an erosion and sediment control plan has been approved by the office of the building inspector or their designee. The erosion and sediment control plan shall comply, at a minimum, with the requirements put forth in § 14-510 of this chapter. The building inspector or their designee may require additional information if deemed necessary. The complexity of the plan should be commensurate with the size of the project, severity of site conditions and potential for off-site damage. Each plan shall contain the name, address, and telephone number of the owner or developer of the property to be graded and a brief project description. In addition, a time schedule for completion and periodic maintenance after completion, calculations when needed,

predevelopment and post development contours, details of erosion control practices, clearing and grading limits, daily clean-up and site control practices, and any other information needed to accurately depict solutions to development situations may be required.

The building inspector or their designee may require that the erosion and sediment control plan be developed by a qualified engineer, landscape architect, hydrologist, or other qualified personnel.

The building inspector or their designee shall review the plans with the necessary staff and make a determination with respect to the sufficiency of the erosion and sediment control plan within twenty (20) working days from submittal of the plan. No notification to the developer or owner within the ten working days shall be deemed approval of the plan and the applicant will be eligible for a grading permit. If the plan is determined insufficient, the building inspector or their designee shall inform the developer or owner of deficiencies with the plan. After corrections and additions to the erosion and sediment control plan, the plan may be resubmitted to the building inspector for review. (as added by Ord. #01/02-27, June 2002)

14-508. Inspection and enforcement. The requirements of this chapter shall be enforced by the building inspector or their designee who shall inspect all the work, grading or construction involved. If the designee finds any person, firm, or equity engaged in land disturbing activities without having obtained a required grading permit, he shall issue a stop order. In addition, if anyone is found conducting or to have conducted land disturbing activities in violation of this chapter or any approved plan the designee may require compliance or refuse to approve further work and/or issue a stop order pending a hearing before the development standards board of appeals.

If the building inspector or their designee determines that significant erosion or related problems are occurring on a graded site despite approved protective practices, he shall require the permit holder to take additional corrective actions to protect the adversely affected area. The specifications or the additional measures shall be part of the amended erosion and sediment control plan.

If it is determined that the permit holder has failed to comply with the approved plan, the building inspector or their designee shall immediately serve upon the owner, developer, or contractor, a correction notice setting forth the measures needed to come into compliance and specifying a time for such compliance. Failure to comply within the time specified shall subject permittee to revocation of the permit, and he shall be deemed in violation of the chapter requirements and subject to the penalties provided therein, upon being issued an ordinance violation citation and a hearing before the Dandridge Town Judge. (as added by Ord. #01/02-27, June 2002)

14-509. Bond requirement fees. Prior to the issuing of a permit, the developer or applicant may be required to provide a cash deposit, bond, certified check or other acceptable form of security for the amount of the work to be completed or a portion thereof pursuant to the approved development plan. The amount of the work to be secured by this cash deposit, bond, certified check or other form of security shall be determined and at the discretion of the building inspector. Within sixty (60) days of the completion and acceptance of all provisions of the approved plan, cash deposit or other legal arrangements, or unexpended or unobligated funds, thereof, shall be refunded or terminated.

The board of mayor and alderman, at its discretion, may set fees for obtaining a grading permit. If a permit fee schedule is established it shall be done by ordinance. (as added by Ord. #01/02-27, June 2002)

14-510. General criteria. The following general criteria are minimum requirements for controlling erosion and sedimentation from land-disturbing activities and should be satisfied in each approved erosion-sediment control plan. No permit issued using the general criteria is intended to restrict the use of other innovative practices or modifications to the specified practices if such practices are thoroughly described and detailed and approval given as part of or a supplement to the approved plan prior to installation.

(1) Stabilization of disturbed areas and soil stockpiles. Temporary soil stabilization must be applied to disturbed areas when and where deemed necessary for the purpose of good soil stabilization practices.

Applicable soil stabilization practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

Soil stockpiles not stabilized by vegetation must be stabilized or protected with sediment trapping measures to prevent soil loss.

(2) Establishment of permanent vegetation. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which, in the opinion of the building inspector or their designee, is mature enough to control soil erosion satisfactorily and to survive seasonal weather conditions. If it is determined by the building inspector or their designee that the vegetation will not withstand seasonal weather conditions, the release of unobligated monies of bonds shall be determined by the town's municipal planning commission.

(3) Protection of adjacent properties. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, or dikes, or sediment basins, or by a combination of such measures.

Vegetated buffer strips may be used alone only where runoff in sheet flow is expected. Buffer strips should be at least 20 feet in width. If at any time it is found that a vegetated buffer strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls must be provided.

(4) Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment on-site must be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched within fifteen (15) days of installations. These measures shall be maintained in good working order and shall remain in place until such time as the building inspector or their designee deems the area to be stabilized.

(5) Sediment basins. Storm water runoff from drainage areas with five areas or greater disturbed area must pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity. Sediment basins or traps for smaller disturbed areas may be required where deemed necessary. The sediment basin requirement may also be waived by the building inspector or their designee if site conditions do not warrant its construction.

(6) Cut and fill slopes. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes which are found to be eroding excessively within one year of construction must be provided with additional slope stabilizing measures until the problem is corrected. The following guidelines are provided to aid site planners and plan reviewers in developing an adequate design.

(a) Topsoil for the area should be stockpiled and then used for replacement on the graded area.

(b) Roughened soil surfaces are generally preferred to smooth surface on slopes.

(c) Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.

(d) Concentrated storm water should not be allowed to flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume, or slope drain structure.

(e) Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.

(7) Protection of storm sewer inlets. All storm sewer inlets which are operable during construction shall be protected so that sediment-laden water

will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

(8) Working in or crossing watercourses. Construction vehicles should be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall always be restabilized immediately after in-channel work is completed.

Where a live (wet) watercourse must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided, the design of which shall be approved by the building inspector or their designee.

(9) Underground utility construction. The construction of underground utility lines shall be subject to the following criteria:

(a) No more than 500 feet of open trench will be allowed at one time.

(b) Where consistent with safety and space considerations, excavated material is to be placed on the uphill side of trenches.

(c) Trench dewatering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.

(10) Construction access routes. Wherever construction vehicles access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment (mud) by runoff or vehicle tracking onto the paved surface by clearing the area at the entrance of all vegetation, roots, and other objectionable material and placing a gravel layer at least 6-inches thick for a minimum of 50 feet from the edge of the hard surface public road. Where sediment is transported onto a public road surface, the roads shall be cleaned by the developer thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(11) Disposition of temporary measures. All temporary erosion and sediment-control measures shall be disposed of within 30 days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the building inspector or their designee. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.

(12) Maintenance. All temporary and permanent erosion and sediment-control practices shall be maintained and repaired as needed by property owners to assure continued performance of their intended function, as determined by the building inspector or their designee. (as added by Ord. #01/02-27, June 2002)

14-511. Adjustments. The building inspector may waive or modify any of the general criteria which are deemed inappropriate or too restrictive for site conditions, by granting an adjustment. Adjustments may be granted in writing under the following conditions:

(1) At the time of plan submission, an applicant may request adjustments to become part of the approved erosion and sediment-control plan. The applicant must explain the reasons for requesting adjustments in writing. Specific adjustments which are allowed must be documented on the approved plan.

(2) During construction, the applicant may request adjustments to the approved plan in writing. A response, in writing, approving or disapproving such request, should be given within 5 working days. Without a written approval, no adjustment shall be considered valid. (as added by Ord. #01/02-27, June 2002)

14-512. Final inspection. Upon completion of the work specified in the final plan, the applicant shall request a final inspection and approval. Final inspection will occur within five (5) days. If upon final inspection, the building inspector or their designee should determine that the final plan has been complied with, he shall sign the appropriate blank on the grading permit, approving compliance with the plan. If he should determine that there has not been compliance, he shall so notify the applicant and state his reason for so deciding. The applicant may then correct any deficiencies and then request a final inspection and approval; or submit a performance bond with narrative stating when the unfinished work will be completed. (as added by Ord. #01/02-27, June 2002)

14-513. Appeals. Appeals by the applicant of the decisions or the interpretation of the meaning of this code by the administrative official shall be made to the development standards board of appeals of the town. Any person aggrieved by a final decision of the board may seek review by a court of competent jurisdiction. (as added by Ord. #01/02-27, June 2002)

14-514. Penalties. Any person, firm, corporation, or agent violating or failing to comply with any provision or requirement of this code, or who shall or has engaged in any land-disturbing activity in violation of a detailed plan or drawing submitted and approved under the provisions of this code, or who shall fail to obtain a permit and fully comply with the provisions of this code shall be guilty of a misdemeanor punishable by a fine or not more than \$50.00 for each separate offense, and each day's violation shall constitute a separate offense. (as added by Ord. #01/02-27, June 2002)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

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.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Obedience to police officers.
- 15-124. Compliance with financial responsibility law required.

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. (1981 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. (1981 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1981 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1981 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.
- (c) Upon a roadway designated and signposted by the 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. (1981 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1981 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1981 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1981 Code, § 9-113)

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

¹Municipal code references

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

²This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1981 Code, § 9-114)

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. (1981 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1981 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1981 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1981 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1981 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated 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. (1981 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1981 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) 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 (200) feet from the rear of such vehicle. (1981 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1981 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1981 Code, § 9-125)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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. (1981 Code, § 9-126)

15-121. Damaging pavements. No person shall operate upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1981 Code, § 9-119)

15-122. Bicycle riders, etc. 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.

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.

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.

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.

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

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

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.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

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. (1981 Code, § 9-127)

15-123. Obedience to police officers. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic. (as added by Ord. #97/98-10, Jan. 1998)

15-124. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which noticed is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the town's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #01/02-21, March 2002, and replaced by Ord. #02/03-17, March 2003)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1981 Code, § 9-102)

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

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1981 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1981 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1981 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1981 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1981 Code, § 9-202)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted 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.

When the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of 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. (1981 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by proper authority. (1981 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

- 15-401. Generally.
- 15-402. Right turns.
- 15-403. Left turns on two-way roadways.
- 15-404. Left turns on other than two-way roadways.
- 15-405. U-turns.
- 15-406. Turning on curve or crest of grade prohibited--penalty.
- 15-407. Signals for turns.
- 15-408. Signals by hand and arm or signal device.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1981 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1981 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1981 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1981 Code, § 9-304)

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

15-405. U-turns. U-turns are prohibited. (1981 Code, § 9-305)

15-406. Turning on curve or crest of grade prohibited-penalty. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500'). (as added by Ord. #97/98-10, Jan. 1998)

15-407. Signals for turns. (1) Every driver who intends to start, stop or turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in this section, plainly visible to the driver of such other vehicle of the intention to make such movement.

(2) The signal herein required shall be given by means of the hand and arm, or by some mechanical or electrical device approved by the department of safety, in the manner herein specified. Whenever the signal is given by means of the hand and arm, the driver shall indicate the intention to start, stop, or turn, or partly turn, by extending the hand and arm from and beyond the left side of the vehicle, in the following manner:

(a) For left turn, or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

(b) For right turn, or pull to the right, the arm shall be extended upward; and

(c) For slowing down or to stop, the arm shall be extended downward.

(3) Such signals shall be given continuously for a distance of at least fifty feet (50') before stopping, turning, partly turning, or materially altering the course of the vehicle.

(4) Drivers having once given a hand, electrical or mechanical device signal, must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.

(5) Drivers receiving a signal from another driver shall keep their vehicles under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal.

(6) Drivers of vehicles, standing or stopped at the curb or edge before moving such vehicles, shall give signals of their intention to move into traffic, as hereinbefore provided, before turning in the direction the vehicle shall proceed from the curb. (as added by Ord. #97/98-10, Jan. 1998)

15-408. Signals by hand and arm or signal device. (1) Any stop or turn signal required by this chapter shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device approved by

the department of safety as provided in § 55-8-143, except as otherwise provided in subsection (2).

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device approved by the department when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches (24"), or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet (14'). The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (as added by Ord. #97/98-10, Jan. 1998)

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. Stops to be signaled.
- 15-509. Overtaking and passing school or church bus--markings--discharging passengers--penalties.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1981 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1981 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1981 Code, § 9-403)

¹Municipal code reference

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

15-504. 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. (1981 Code, § 9-404)

15-505. 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. (1981 Code, § 9-405)

15-506. 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.

(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. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway.

(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.

(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. (1981 Code, § 9-406)

15-507. 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 there is no crosswalk or limit line, 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. (1981 Code, § 9-407)

15-508. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1981 Code, § 9-408)

15-509. Overtaking and passing school or church bus -- markings-discharging passengers -- penalties. (1) (a) The driver of a vehicle upon a highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching such school bus, and the driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. The provisions of this subsection

¹State law reference

Tennessee Code Annotated, § 55-8-143.

shall also apply to a school bus with lights flashing and stop sign extended and marked in accordance with this subsection that is stopped upon property owned, operated, or used by a school or educational institution, if such bus is stopped for the purpose of receiving or discharging any school children outside a protected loading zone.

(b) All motor vehicles used in transporting school children to and from school in this state are required to be distinctly marked "School Bus" on the front and rear thereof in letters of not less than six inches (6") in height, and so plainly written or printed and so arranged as to be legible to persons approaching such school bus, whether traveling in the same or opposite direction.

(c) (i) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(ii) For the purpose of subsection (i), "separate roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic.

(d) Except as otherwise provided by the preceding subsections, the school bus driver is required to stop such school bus on the right-hand side of such road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated, until all school children who should be discharged from the bus have been so discharged and until all children whose destination causes them to cross the road or highway at that place have negotiated such crossing.

(e) Any person failing to comply with the requirements of this subsection, requiring motor vehicles to stop upon approaching school buses, or violating any of the provisions of this subsection, violates the town ordinance.

(f) The preceding subdivisions of this subsection shall not be applicable to the vehicles of street railway companies, as defined in § 65-16-101, while such vehicles are being used for the transportation of school children within a municipality or its environs in the area over which a municipality or a municipal regulatory agency has regulatory jurisdiction under § 65-16-101.

(2)(a)(i) The driver of a vehicle on a highway upon meeting or overtaking from either direction any church bus which has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching such church bus, and the driver shall not proceed until such church bus resumes motion or is signaled by the church bus driver to proceed or the visual signals on the bus are no longer actuated.

(ii) The provisions of this subsection shall not apply unless the church bus has the same type of safety equipment indicating the bus has stopped as is required for school buses.

(b) All motor vehicles used in transporting passengers to and from churches in this state are required to be distinctly marked "Church Bus" on the front and rear thereof in letters of not less than six inches (6") in height and so plainly written or printed and so arranged as to be legible to persons approaching such church bus, whether traveling in the same or the opposite direction.

(c) (i) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(ii) For the purpose of subdivision (c)(i), "separate roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic.

(d) Except as otherwise provided by this subsection, the church bus driver is required to stop such church bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated such crossing. (as added by Ord. #97/98-10, Jan. 1998)

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Time limitations.
- 15-607. Presumption with respect to illegal parking.

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

Except as hereinafter provided, every vehicle parked upon a street within this town shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1981 Code, § 9-501)

15-602. 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. (1981 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1981 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station,

and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.

(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.

(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(10) Upon any bridge.

(11) Alongside any curb painted yellow or red by the town.

(12) Within any city parking lot for a continuous period between 9:00 P.M. and 6:00 A.M. (1981 Code, § 9-504, as amended by Ord. #02/03-08, Oct. 2002)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1981 Code, § 9-505)

15-606. Time limitations. No person shall park a vehicle of any kind, motorized or non-motorized, in any parallel or angle parking space located on Main Street or Gay Street in excess of two (2) hours at one time from the hours of 8:00 A.M. to 6:00 P.M. Monday through Saturday. These time limits shall not apply to the town's parking lots on Gay Street and Main Street, the loading and unloading zones on Gay Street, the two police spaces on Main Street and the three designated spaces for judges on Main Street. (as added by Ord. #02/03-16, April 2003)

15-607. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1981 Code, § 9-506, as renumbered by Ord. #02/03-16, April 2003)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1981 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1981 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1981 Code, § 9-603)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and a storage cost of one dollar (\$1.00) per day shall also be charged. (1981 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the chief of police in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1981 Code, § 9-605)

15-706. Violations and penalty. Any violation of this title shall be a civil offenses punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking violations. For every parking violation, the offender may, prior to their municipal court hearing date, have the parking violation citation disposed of by paying the town recorder a civil penalty of five dollars (\$5.00) for each citation and waiving their right to a judicial hearing. If a violator does not dispose of the citation as hereinabove provided, their civil penalty shall be from ten dollars (\$10.00) to fifty dollars (\$50.00). Failure to dispose of the parking citation prior to the municipal court hearing or failure to appear at a municipal court hearing may result in a warrant being issued for the arrest of a violator. (as replaced by Ord. #02/03-16, April 2003)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. SPECIFICATIONS FOR STREETS, ETC., OF NEW SUBDIVISIONS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Washing or repairing vehicles on streets or sidewalks.
- 16-114. Skate boarding on streets and sidewalks.
- 16-115. Street name regulations.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1981 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

(14) feet or over any sidewalk at a height of less than eight (8) feet. (1981 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1981 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1981 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen. (1981 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1981 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited.

It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1981 Code, § 12-107)

16-108. Obstruction of drainage ditches.

It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1981 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc.

The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1981 Code, § 12-109)

¹Municipal code reference

Building code: title 12, chapter 1.

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the chief of police. No permit shall be issued by the chief of police 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. (1981 Code, § 12-110)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably to interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1981 Code, § 12-111)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1981 Code, § 12-112)

16-113. Washing or repairing vehicles on streets or sidewalks. It shall be unlawful to wash vehicles on the streets or sidewalks, or to repair any vehicle on any street or sidewalk except in cases of emergency. (1981 Code, § 12-113)

16-114. Skateboarding on streets and sidewalks. Skateboarding upon streets and sidewalks within the corporate limits of Dandridge, Tennessee shall be prohibited. It shall be deemed to be an activity interfering with pedestrian and vehicular traffic and shall constitute a violation of Dandridge Municipal Code § 11-603. (Ord. #91/92-3, July 1991)

16-115. Street name regulations. There is hereby established as the official system of street names for the Town of Dandridge as shown by the map entitled Official Street Name Map, dated August, 1987, as adopted and certified by the Town of Dandridge Planning Commission, the following regulations:

(1) The names of the streets within the corporate limits of the Town of Dandridge shall remain as shown on the aforesaid map unless officially changed by specific ordinance(s) passed subsequent to the effective date of this section.

(2) No new streets shall be accepted by the Town of Dandridge nor any improvements made on any street not shown on the aforesaid map until such

street shall have been formally dedicated and accepted by the town and it is properly named.

(3) Any extensions of existing streets as shown on the aforesaid map shall continue to bear the existing name upon proper dedication and acceptance.

(4) Names for new streets properly dedicated and accepted shall not duplicate or closely approximate streets names already assigned or in existence.
(Ord. #87/88-3, Dec. 1987)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the recorder is working, and said permit shall be retroactive to the date when the work was begun. (1981 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as the mayor may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and

¹State law reference

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

laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1981 Code, § 12-202)

16-203. Fees. 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 (\$.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. (1981 Code, § 12-203)

16-204. Deposit or bond. Any work done by a company, construction crew, or utility shall have a bond in place prior to any construction being undertaken in the street, adjacent to the street, or under the street. The bond shall be set by the public works superintendent. (1981 Code, § 12-204, as amended by Ord. #98/99-2, Sept. 1998)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Any utility or other construction which requires a cut across a public street shall be required to bore under the street unless the contractors can prove that said boring would be an impossibility or would cause a safety or health hazard. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1981 Code, § 12-205, as amended by Ord. #98/99-2, Sept. 1998)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in the Town of Dandridge 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 recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the 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. (1981 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$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. (1981 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1981 Code, § 12-208)

16-209. Supervision. The chief of police 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. (1981 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic or impede the health, safety and welfare of the street or right of way. All driveways shall require a tile/culvert installed at the connection between the street and highway, said tile/culvert to be at least fifteen (15) inches in diameter. When two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. There shall be no fee for obtaining a driveway cut or excavation permit. (1981 Code, § 12-210, as amended by Ord. #98/99-2, Sept. 1998)

CHAPTER 3

SPECIFICATIONS FOR STREETS, ETC., OF NEW SUBDIVISIONS

SECTION

- 16-301. Purpose.
- 16-302. Acceptance of streets and public grounds.
- 16-303. Extension of improvements.
- 16-304. Street rights-of-way.
- 16-305. Corners.
- 16-306. Grading.
- 16-307. Storm drainage.
- 16-308. Roadway surfacing.
- 16-309. Ownership of drainage sewers.
- 16-310. Application to approved but undeveloped subdivisions.
- 16-311. Limitation of expenditures.

16-301. Purpose. The subdivision of land and the extensions and improvements to streets and utilities are important to the public interest in that the maintenance of public services becomes a public responsibility and the correction of defects is costly and difficult. It is therefore to the interest of the public, the developer, and the future owners that improvements be conceived, designed, and developed in accordance with sound rules and proper minimum standards. (1981 Code, § 12-301)

16-302. Acceptance of streets and public grounds. The Town of Dandridge shall not accept the dedication of streets, parks, or other public open space until a plat of the subdivision of land shall have been submitted to and approved in writing by the board of mayor and aldermen. (1981 Code, § 12-302)

16-303. Extension of improvements. The Town of Dandridge or any public authority shall not accept, layout, open, improve, grade, pave, or light any street, and no building shall be erected on any lot with access from any street that does not correspond in its location and lines with a street shown on a subdivision plat approved by the board of mayor and aldermen unless such street shall have been accepted or opened or shall have otherwise received the legal status of a public street prior to January 16, 1962. (1981 Code, § 12-303)

16-304. Street rights-of-way. The location and width of all streets and roads shall conform to the official major street plan of the town or if not shown on such a plan, shall be not less than the minimum width of right-of-way for various street types as follows:

- (1) Collector streets--50 feet. Collector streets are those which carry traffic from minor streets to the major street system or arterial streets and

highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.

(2) Minor residential streets--40 feet. Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

(3) Marginal access streets--40 feet. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

(4) Dead-end streets (cul-de-sac)--40 feet. Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

(5) Alleys--20 feet. Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the board of mayor and aldermen may modify the above requirements. Streets through proposed business areas shall be increased ten (10) feet on each side if needed to provide parking without interference to normal passing traffic.

New streets shall extend existing streets or roads at the same or greater width, but in no case shall the resulting right-of-way be less than the minimum width of the street to be extended, measured from lot line to lot line. (1981 Code, § 12-304)

16-305. Corners. All lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. The developer shall provide, set, and install and shall bear the cost of providing, setting, and installing all monuments required by this section. (1981 Code, § 12-305)

16-306. Grading. All streets, roads, and alleys shall be graded to not less than three-fourths (3/4) of their full width. Due to special topographical conditions, deviation to the above will be allowed only with special approval of the board of mayor and aldermen.

(1) Preparation. Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation.

(2) Cuts. All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade.

(3) Fill. All suitable material from roadway cuts may be used in construction of fills, approaches, or at other places as needed.

Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and properly compacted. The filling of utility

trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

(4) Drainage swales. The valley line of drainage swales shall be within the right-of-way and no more than two (2) feet from the edge thereof.

The developer shall do and bear all the costs of the grading and related work required by this section. (1981 Code, § 12-306)

16-307. Storm drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

In order to provide for extremely heavy surface run-off, casements may be required to handle drainage properly and shall be shown on a subdivision plat approved by the board of mayor and aldermen.

Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than twelve (12) inches. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road-bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the road-bed. Developer shall do and bear all costs required of this section. (1981 Code, § 12-307)

16-308. Roadway surfacing. After preparation of the subgrade, the road-bed shall be surfaced by the developer at his cost and expense, with crusher run limestone from one inch down and including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted to a compacted thickness of not less than six (6) inches. Developer shall do and bear all cost related to this section. Minimum pavement widths shall be twenty-four (24) feet unless special permission is granted by the board of mayor and aldermen for lesser width. (1981 Code, § 12-308)

16-309. Ownership of drainage sewers. Ownership of all storm drainage sewer lines lying within the boundaries of any street shown on the plat of any such subdivision, or lying partly within the boundaries of any such street and partly within the boundaries of any lot or lots in such subdivision, shall be and become the property of the Town of Dandridge, wherever the dedication of any such street or streets shall in any manner be accepted by the Town of Dandridge or whenever any such storm drainage sewer is connected with the

Town of Dandridge's storm drainage or sewer system, and is ready for use and operation, whichever first occurs; and it shall be a condition for the approval of any plat of any subdivision by the board of mayor and aldermen. Developer shall consent to the ownership of such sewer lines to be vested in the Town of Dandridge as herein provided for; and, whenever a developer has submitted a plat of a proposed subdivision to the board of mayor and aldermen for approval, or whenever such developer shall apply for approval of such plat, it shall be conclusively presumed that such developer irrevocably consented that such ownership shall be vested in the Town of Dandridge in accordance with the provisions of this section. (1981 Code, § 12-309)

16-310. Application to approved but undeveloped subdivisions.

This chapter and the provisions thereof shall apply to all approved but undeveloped subdivisions and to all undeveloped portions of such subdivisions. No previously approved subdivision, and no portion of any such subdivision, shall be considered to be undeveloped within the meaning and terms of this section where, at the effective date hereof, the streets of such subdivision or such portion thereof have already been laid off, graded, and rocked, and where water lines or mains to serve the lots abutting on such streets have already been laid and installed in such streets. (1981 Code, § 12-310)

16-311. Limitation of expenditures. Notwithstanding anything to the contrary that may be expressly hereinbefore provided or that may be implied from anything hereinbefore contained, no subdivision plat shall be approved by the board of mayor and aldermen, and the Town of Dandridge shall not be obligated for the expenditure of any funds whatsoever under and pursuant to the terms of this chapter in excess of \$1,000.00 as to any particular subdivision, (1) unless and until the estimated amount of expenditures required to be made by the Town of Dandridge in connection with such subdivision, under and pursuant to this chapter shall have been first reported to the board of mayor and aldermen, and (2) unless and until the board of mayor and aldermen shall by majority vote have approved such expenditures. (1981 Code, § 12-311)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE²

SECTION

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

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1981 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1981 Code, § 8-202)

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

¹Municipal code reference

Property maintenance regulations: title 13.

²Ordinance #98/99-26, June 1999, authorized the adoption of fees for commercial garbage collection. Ord. #98/99-26 and any amendments thereto are of record in the office of the city recorder.

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. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1981 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1981 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1981 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 board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (1981 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. (1981 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1981 Code, § 8-208)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER SYSTEM ADMINISTRATION.
2. SANITARY SEWER REGULATIONS.
3. WATER SUPPLY.
4. SEWAGE AND HUMAN EXCRETA DISPOSAL.
5. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
6. CONTROL AND OPERATION OF THE WATERWORKS AND SEWAGE SYSTEMS.
7. FATS, OILS, AND GREASE.

CHAPTER 1

WATER SYSTEM ADMINISTRATION²

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Main extensions to developed areas.
- 18-108. Main extensions to other areas.
- 18-109. Water and sewer main extension variances.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Re-connection charge.
- 18-116. Termination of service by customer.
- 18-117. Access to customers' premises.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

²The Utility Policy for the Town of Dandridge is established by Ord. #99/00-20, March 2000 which is of record in the office of the city recorder.

- 18-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use of or interference with water supply.
- 18-123. Limited use of unmetered private fire line.
- 18-124. Damages to property due to water pressure.
- 18-125. Liability for cutoff failures.
- 18-126. Restricted use of water.
- 18-127. Interruption of service.
- 18-128. Schedule of rates.
- 18-129. Fluoridation of water supply.
- 18-130. Procedure for private pay water and sewer line extensions.

18-101. Application and scope. The rules and regulations of the department shall be promulgated by the board of mayor and aldermen and shall be a part of all contracts for receiving water service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1981 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water 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.

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

(4) "Discount date" shall mean the tenth (10th) day of the month next after the month for which the water service charge is made, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

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

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

(7) "Superintendent of water" shall be such person as may be designated by the board of mayor and aldermen. (1981 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. (1981 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form 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 these rules, regulations, and general practice, the liability of the town to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1981 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1981 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the town from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the superintendent.

Before a new service line will be laid by the town, the applicant shall pay a connection charge in accordance with the following schedule:

(1) FEE SCHEDULE

Account Set-Up/ Water Turn-On	\$50.00 renter & trailers
	\$25.00 property owner

<u>Water</u>	<u>New Taps</u>	<u>Sewer</u>
\$ 500	Residential - 3/4" Inside	\$100 old constr 500 new constr
650	Residential - 3/4" Outside	750
750	Comm/Ind - 3/4" Inside	750
850	Comm/Ind - 3/4" Outside	850
1,000	Comm/Ind - 1"	1,000
1,500	Comm/Ind - 1 ½"	1,500
2,000	Comm/Ind - 2"	2,000

<u>Water</u>	<u>New Taps</u>	<u>Sewer</u>
4,000	Comm/Ind - 3"	4,000
8,000	Comm/Ind - 4"	8,000
12,000	Comm/Ind - 6"	12,000
Add to above Water <u>and</u> Sewer: See (2) below		
Sprinkler Supply Line:		\$1,000 per inch
Backflow Prevention Check		Pass on @ out cost

Special Project Water Tap Fees

- Applewood = \$1,000 per lot
- Hammer Rd. = \$1,000 per tap
- Sunnydale Lane = \$717 per tap (includes fire hydrants)
- Zirkle Road = \$1,650 per tap
- Treadway (formerly Peck Lane) - Contact Jerry Hodge 397-3319 before tapping water line (he financed the water line project)

(2) ADD-ON FEES--INSIDE CITY. ¹

Type of Establishment	Water	Sewer
Motels, hotels, condominiums and similar type units	Base fee* plus \$112.50 per unit	Base fee* plus \$112.50 per unit
Mobile home parks under single ownership	Base fee* plus \$300 per unit	Base fee* plus \$375.00 per unit
Restaurants	Base fee* plus \$30.00 per seat	Base fee* plus \$30.00 per seat
Self-service laundries	Base fee* plus \$150.00 per washer or clearing unit	Base fee* plus \$150.00 per washer or clearing unit
Service stations	Base fee* plus \$225.00 per pump	Base fee** plus \$225.00 per pump
Theaters and movies-live performance	Base fee* plus \$7.50 per seat	Base fee* plus \$7.50 per seat
Shopping centers, commercial stores and similar type developments	Base fee* plus \$30.00 per 1,000 square feet of floor area under roof	Base fee* plus \$30.00 per 1,000 square feet of floor area under roof

¹Ord. #02/03-21 provides:

"All add on connection fees collected for the use of water services shall be designated for usage of water purification purposes."

"All add on connection fees collected for the use of sewer services shall be designated for the improvement of the wastewater treatment facility."

Type of Establishment	Water	Sewer
Schools	Base fee* plus \$18.75 per student	Base fee* plus \$18.75 per student
Fire protection systems	\$1,000.00 per inch diameter of connection (exempts base fee*)	No charge
Car wash	Base fee* plus \$750.00 per bay	Base fee* plus \$750.00 per bay
Camp ground	Base fee* plus \$37.50 per camp site	Base fee* plus \$37.50 per camp site

ADD-ON FEES - OUTSIDE CITY¹

Type of Establishment	Water	Sewer
Motels, hotels, condominiums and similar type units	Base fee* plus \$168.75 per unit	Base fee* plus \$168.75 per unit
Mobile home parks under single ownership	Base fee* plus \$450 per unit	Base fee* plus \$562,50 per unit
Restaurants	Base fee* plus \$45.00 per seat	Base fee* plus \$45.00 per seat
Self-service laundries	Base fee* plus \$225.00 per washer or cleaning unit	Base fee* plus \$225.00 per washer or cleaning unit
Service stations	Base fee* plus \$337.50 per pump	Base fee** plus \$337.50 per pump
Theaters and movies-live performance	Base fee* plus \$11.25 per seat	Base fee* plus \$11.25 per seat
Shopping centers, commercial stores and similar type developments	Base fee* plus \$45.00 per 1,000 square feet of floor area under roof	Base fee* plus \$45.00 per 1,000 square feet of floor area under roof
Schools	Base fee* plus \$28.15 per student	Base fee* plus \$28.15 per student
Fire protection systems	\$1,000.00 per inch diameter of connection (exempts base fee*)	No charge
Car wash	Base fee* plus \$1125.00 per bay	Base fee* plus \$1125.00 per bay
Camp ground	Base fee* plus \$56.25 per camp site	Base fee* plus \$56.25 per camp site

*For base fee see (1) above

For connections greater than 3/4 inch, the fee shall be the cost as determined by the town.

¹Ord. #02/03-21 provides:

"All add on connection fees collected for the use of water services shall be designated for usage of water purification purposes."

"All add on connection fees collected for the use of sewer services shall be designated for the improvement of the wastewater treatment facility."

This connection charge shall be used to pay the cost of laying such a new service line (not to exceed thirty (30) feet) and appurtenant equipment. If more than thirty (30) feet of line is laid, the applicant shall pay to the town the costs thereof.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1981 Code, § 13-106, as amended by Ord. #00/01-11, Dec. 2000)

18-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses.

This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the town the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. Before making any such requested extension, the town shall require a cash deposit as security for such minimum bill agreement in an amount that does not exceed the estimated cost of the main extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the town at which times pro rata amounts of the cash deposit shall also be returned to the depositors. (1981 Code, § 13-107)

18-108. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extension pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section, cement-lined cast iron pipe, class 150 American Water Works Association Standard, not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by town forces or by other forces working directly under the supervision of the town.

Upon completion of such extensions and their approval by the town, such water mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of its water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. As further consideration, the town shall repay to the person or persons paying the cost of such water main extension, for a period of five (5) years, but no longer, from the date of completion of said extension the sum of \$50.00 for each connection that

is made to such main extension; provided, however, that the total payments shall in no event exceed the cost of the said extension paid by such person or persons. Provided, also, that before making any such payment the town shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the town, but not to exceed three (3) years.

No repayment shall be made for service line connections not made directly to the water main extension in question, even though such service line connections are made to a main extended from, or receiving water through, the main extension in question. (1981 Code, § 13-108)

18-109. Water and sewer main extension variances.¹ Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the board of mayor and aldermen.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the town to make water main extensions or to furnish service to any person or persons. (1981 Code, § 13-109)

18-110. 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. (1981 Code, § 13-110)

18-111. 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>
Up to 2 inch	2%
3 inch	3%
4 inch	4%
6 inch	5%

¹Municipal code reference
Procedures for private pay water and sewer line extensions: § 18-130.

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 an amount to be set by the board of mayor and aldermen.

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1981 Code, § 13-111)

18-112. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1981 Code, § 13-113)

18-113. Billing. Bills for residential service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the town.

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

In the event a bill is not paid on or before the 22nd day of the month, the customer's water and sewer service may be disconnected. The date of final service before a disconnection of service may be had and the notice that no other reminder notice to the customer shall be forthcoming shall be visibly displayed on the original customer bill. The town shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance paid by mail must be received in the office of the town's water department on or before the discount date to obtain the net rate; otherwise, the gross rate will be due.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available.

(1981 Code, § 13-114, as amended by Ord. #02/03-09, Oct. 2002, and Ord. #03/04-04, Aug. 2003)

18-114. Discontinuance or refusal of service. The superintendent of water, or his designee, shall have the right to discontinue water service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service including, but not limited to, non-payment of bill for water or sewer usage, upon sending the customer a final notice that service is scheduled to be discontinued.

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

Any customer receiving a final notice, who fees the disconnect is not warranted shall be entitled to have a hearing on the disconnection final notice provided they notify and schedule a conference with the utilities office coordinator at least two (2) days before the service is scheduled to be discontinued. If the customer does not request a hearing and the bill is not paid, or a satisfactory arrangement for payment of the bill is not made with the utilities office coordinator, the utilities will be disconnected. A reconnection in accordance with the town's policy and procedures must be paid before the utility service is reconnected in addition to the full amount of the outstanding utility bills.

Discontinuance of service by the town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1981 Code, § 13-115, as amended by Ord. #01/02-22, March 2002)

18-115. Re-connection charge. When service has been discontinued pursuant to § 18-114, a reconnection charge of fifty dollars (\$50.00) shall be collected by the town before service is restored. (1981 Code, § 13-116, as amended by Ord. #01/02-25, June 2002, and Ord. #03/04-14, Dec. 2003)

18-116. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these

rules and regulations with respect to a new application for service. (1981 Code, § 13-117)

18-117. Access to customers' premises. The employees of the town's water department shall be granted the right and it shall be the duty of the landowner or occupant of the real property to give said water department employees free access to the real property for the purpose of inspecting, improving, maintaining, repairing, and/or replacing lines or connections as are necessary for the health, safety and welfare of the water department's customers. (Ord. #93/94-7, Jan. 1994)

18-118. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1981 Code, § 13-119)

18-119. 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 properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1981 Code, § 13-120)

18-120. Customer's responsibility for violations. Where the town furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1981 Code, § 13-121)

18-121. 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 superintendent of water. (1981 Code, § 13-122)

18-122. 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 superintendent of water. (1981 Code, § 13-123)

18-123. 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 superintendent of water.

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 reasons, the customer taking such service shall immediately give the town a written notice of such occurrence. (1981 Code, § 13-124)

18-124. 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. (1981 Code, § 13-125)

18-125. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1981 Code, § 13-126)

18-126. 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. (1981 Code, § 13-127)

18-127. Interruption of service. The town will endeavor to furnish continuous water 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 town's water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The 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. (1981 Code, § 13-128)

18-128. Schedule of rates. The rates for all water furnished by the town shall be established by ordinance or resolution¹ of the board of mayor and aldermen.

The above rates are net. The gross rates are determined by adding a ten percent (10%) penalty. (1981 Code, § 13-112)

18-129. Fluoridation of water supply. The Dandridge Water Department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the Town of Dandridge, Tennessee, to submit such plans to the Department of Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply, in accordance with such approval, as will adequately provide for the fluoridation of the water supply.

The cost of such fluoridation will be borne by the revenues of the Dandridge Water Department. (1981 Code, § 13-129)

18-130. Procedure for private pay water and sewer line extensions. (1) Any private homeowner(s), developer or other non-governmental entity who requests the town's water line or sewer line be extended to their home, subdivision or development, and the town's water and/or sewer ordinance does not provide for the town to furnish said water or sewer line, the town's water/wastewater superintendent shall determine a cost for the project and said cost shall be collected in its entirety from the private homeowner(s), developer or other non-governmental entity by the town's water department before the water department employees commence construction of the project.

(2) This procedure shall apply to all water line and/or sewer line extensions inside or outside the town's corporate limits. (as added by Ord. #02/03-20, July 2003)

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

CHAPTER 2

SANITARY SEWER REGULATIONS

SECTION

- 18-201. General provisions.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Use of public sewers required.
- 18-205. Private sewage disposal.
- 18-206. Regulation for use of public sewers.
- 18-207. Building sewers and connections.
- 18-208. Industrial building sewer permits.
- 18-209. Charges and fees (user charge system).
- 18-210. Enforcement.
- 18-211. Protection from damage.
- 18-212. Powers and authority of inspectors.
- 18-213. Penalty: costs.

18-201. General provisions. This chapter sets forth uniform requirements for direct and indirect contributors into the sewage collection and treatment system for the Town of Dandridge and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal sewage system that will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal sewage system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim liquids and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal sewage system.

This chapter provides for the regulation of direct and indirect dischargers to the municipal sewage system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the Town of Dandridge and to persons outside the town who are, by contract or agreement with the town, users of the sewage

system. Except as otherwise provided herein, the superintendent of the sewage system shall administer, implement, and enforce the provisions of this chapter. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-202. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter, shall be as follows:

(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) "Approved POTW pretreatment program." Also known as a "Program" or "POTW Pretreatment Program"; a program administered by a POTW that meets the criteria established in 40 CFR 403.8 & 9 and which has been approved by a regional administrator or state director in accordance with 40 CFR 403.11.

(4) "Authorized representative of an 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 sole proprietorship respectively; or

(c) A duly authorized representative of the industrial user if such representative is responsible for the overall operation of the facilities from which the discharge originates.

(5) "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 per volume and concentration [milligrams per liter (mg/l)].

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

(7) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.

(8) "Categorical standards." National categorical pretreatment standards or pretreatment standard.

(9) "Combined sewer." A sewer receiving both surface runoff and sewage.

(10) "Control authority." The term "approval authority" shall refer to the "approval authority," defined hereinabove, or the mayor and/or superintendent if the town has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(11) "Cooling water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any substance which could result in the addition of any polluting material to the water other than an increased temperature of the water and this increase not to exceed limits considered detrimental to any of the facilities of the town or result in any changes in the water characteristics which would be objectionable from the standpoint of odor or other nuisance. The water must be free of oil and other polluting material.

(12) "Customer" means any individual, partnership, corporation, association, or group who receives sewer services from the town under either an express or implied contract requiring payment to the town for such service. "Customer" shall be synonymous with "user".

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

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

(15) "Ether soluble material" shall mean the quantity of solids obtained through the use of the ether extraction process as outlined for oils and greases in the latest edition of "Standard Methods for the Examination of Water and Wastewater".

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

(17) "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.

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

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

(20) "Industrial user." A source of indirect discharge.

(21) "Industrial wastes." The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewer.

(22) "Interference." The inhibition or disruption of the sewage treatment processes or operations that 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 sewage system.

(23) "Mayor" shall mean the Mayor of the Town of Dandridge or his authorized deputy, agent or representatives.

(24) "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) that applies to a specific category of industrial users.

(25) "National pollution discharge elimination system or NPDES permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(26) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

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

(28) "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 published 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.

(29) "Normal sewage" shall be regarded as normal for the Town of Dandridge if analyses shows a daily average of not more than 250 milligrams per liter of suspended solids; not more than 250 milligrams per liter of B.O.D.; and not more than 100 milligrams per liter of ether soluble matter (grease and oil), each.

(30) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit.

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

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

(33) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock,

sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

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

(35) "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 sewage system. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR section 403.6(d).

(36) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(37) "Properly shredded garbage." The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(38) "Publicly Owned Treatment Works." A treatment works as defined by Section 212 of the Act, which is owned by a state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a (POTW) Sewage Treatment Plant. The term also means the municipality which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(39) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(40) "Regional administrator." This term means the appropriate E.P.A. Regional Administrator.

(41) "Sanitary sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm and surface water.

(42) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(43) "Sewage." The liquid and water-carried industrial or domestic wastes from dwellings, commercial building, industrial facilities, and institutions, together with such ground, surface and storm waters as may be present, whether treated or untreated, which is contributed into or permitted to enter the sewage system.

(44) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(45) "Sewage works" or "sewage system" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(46) "Sewer" shall mean a pipe or conduit for carrying sewage and other waste liquids.

(47) "Shall" is mandatory; "May" is permissive.

(48) "Significant industrial user." Any industrial user of the town's sewage system who:

(a) Has a discharge flow of 25,000 gallons or more per average work day; or

(b) Contributes a waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or

(c) Has in his waste stream toxic pollutants as defined pursuant to Section 307 of the Act of Tennessee Statutes and Rules; or

(d) Is found by the town or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the POTW, the sludge quality, the system's effluent quality, or air emissions generated by the system; or

(e) Any industrial user subject to categorical pretreatment standards under 40 CFR parts 400-699 and 40 CFR Chapter I, Subchapter N.

(49) "Slug" shall include but not be limited to an accidental spill as well as 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 or duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation or any discharge of whatever duration that interferes with the proper operation of the sewage treatment facilities or sewer pumping stations.

(50) "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.

(51) "State." State of Tennessee Department of Environment and Conservation.

(52) "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 mayor.

(53) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(54) "Superintendent." The person designated by the town to supervise the operation of the sewage works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(55) "Suspended solids." The solids that either float on the surface of, or is suspended in, water, sewage, or other liquids; which are removable by laboratory filtering.

(56) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

(57) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(58) "Unpolluted water" or "waste" shall mean any water or waste containing no free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving water; toxic and poisonous substances in suspension, colloidal state of solution; and noxious or odorous gases and/or other polluting materials. (as added by Ord. #95/96-10, Sept. 1996)

18-203. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	-	Total suspended solids
USC	-	United States Code
O & M	-	Operation and Maintenance

(Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-204. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Dandridge, Tennessee, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the boundaries of the Town of Dandridge, Tennessee, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. Any property owner of a house, building, structure, or property used for human occupancy, employment, recreation, or other purpose, which in the interest of health and safety would require connection to the town's sewer line to safely dispose of human waste, fails to connect to the town's sewer line within one hundred eighty (180) days from the day said sewer line is operating shall be charged the normal sewer charge, based upon water usage, set forth by the town for said location each and every month thereafter until the property owner makes the proper connection and this provision shall not prohibit the town from enforcing any other penalties set forth in this section. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996, and amended by Ord. #00/01-23, June 2001)

18-205. Private sewage disposal. (1) Where any residence, office, recreational facility, or other establishment used for human occupancy is not accessible to a public sewer as provided in § 18-204, the owner shall provide a private sewage disposal system.

(2) Where any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a 1% grade in the building sewer but is otherwise accessible to a public sewer as provided in § 18-204, the owner shall provide a private sewage pumping station as provided in § 18-207(8).

(3) A private sewage disposal system may not be constructed within the town limits unless and until a certificate is obtained from the mayor 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 sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than seventy-five hundred (7,500) square feet. The fee for said certificate is shown in the Water and Sewer Rate Ordinance.

(4) Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee and of the Jefferson County Health Department and of the Town of Dandridge, Tennessee, and must be inspected and approved by the authorized representative of the County Health Department and by the mayor's representative.

(5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(6) When a public sewer becomes available, the building sewer shall be connected to such public sewer within 90 days of date of notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable materials. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-206. Regulations for use of public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water 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 mayor.

(3) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or sewage which will cause pass through or interfere with the operation or performance of the sewage works. These general prohibitions apply to all such users of a sewage system whether or not the user is subject to national categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any sewage works:

(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 sewage system or to the operation of the sewage system. 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 ten percent (10%) of the Lower Explosive Limit (LEL) of the meter, or having a closed cup flash point of less than 140° F (60°C) using test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and 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 sewage treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent

hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any waters, wastes, or pollutants which will cause corrosive damage to the structures, equipment, or cause harm to the personnel of the sewage works. In no case shall the pH of the wastestream received into the town's sewage works be lower than 5.0 s.u. and higher than 9.0 s.u.

(d) Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage system, 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, as identified by 40 CFR 403.5 (b) (7).

(f) Any substance which may cause the sewage treatment plant's effluent or any other product of the sewage treatment plant 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 sewage system cause the sewage system to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the sewage system to violate its NPDES or Tennessee Discharge Permit or the receiving water quality standards.

(h) Any sewage with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, etc.

(i) Any sewage having a temperature which will inhibit biological activity in the sewage treatment plant resulting in Interference, but in no case sewage with a temperature at introduction into the sewer system which exceeds 40°C (104°F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference to the sewage

system. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

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

(l) Any wastewater which causes a hazard to life or creates a public nuisance.

(m) Any pollutant in the category of, but not limited to, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference with POTW or pass-through.

(n) Any trucked or hauled pollutants, except by permitted haulers discharging at points designated by the POTW superintendent.

When the superintendent determines that a user(s) is contributing to the sewage system any of the above enumerated substances in such amounts as to interfere with the operation of the sewage system, the superintendent shall:

(i) Advise the user(s) of the impact of the contribution on the sewage system; and

(ii) Develop effluent limitation(s) for such user to correct the interference with the sewage system.

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Specific pollutant limitations. No user shall discharge wastewater which causes the influent to the treatment plant to contain in excess of these pollutants (Average Monthly Limits):

0.0330	mg/l Cadmium
0.3750	mg/l Chromium
0.5000	mg/l Copper
0.6000	mg/l Cyanide
0.2400	mg/l Lead
0.0040	mg/l Mercury
0.2730	mg/l Nickel
1.0500	mg/l Zinc
0.4500	mg/l Phenol

150.0000	mg/l Chlorides
0.0294	mg/l Silver

In addition, no user shall discharge wastewater containing in excess of the following average monthly pollutant concentrations:

172.000 0	mg/l Ammonia
0.6638	mg/l Arsenic
0.1088	mg/l Cadmium
1.3763	mg/l Chromium(t)
1.7280	mg/l Copper
0.9630	mg/l Cyanide
3748.9200	mg/l Iron
0.7875	mg/l Lead
37.4220	mg/l Manganese
0.0148	mg/l Mercury
0.2288	mg/l Molybdenum
0.9825	mg/l Nickel
0.4875	mg/l Phenol
0.7988	mg/l Selenium
0.0728	mg/l Silver
1.0950	mg/l Zinc
250.0000	mg/l BOD ₅
500.0000	mg/l COD
250.0000	mg/l TSS
100.0000	mg/l Oil & Grease
150.0000	mg/l Chloride

(6) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(7) Town's right of revision. The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the sewage system if deemed necessary to comply with the objectives presented in § 18-201.

(8) Excessive discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.

(9) Affirmative defense. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in § 18-206 where the user can demonstrate that:

(a) It did not know or have reason to know that its discharge, along or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

(b) The user was in compliance with each local limit, as described in § 18-206(5), directly prior to and during the pass through or interference; or

(c) The local limit established in § 18-206(5) does not contain the pollutant(s) that caused the pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(10) Accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. All existing users shall complete such a plan within 90 days of the issuance of a permit. No user who commences contribution to the sewage system after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial User from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the town of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(a) Written notice. Within five (5) days following an accidental discharge, the user shall submit to the town a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage system, fish kills, or any other damage to person or property; not shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(b) 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 insure that all employees who may cause or suffer such a dangerous

discharge to occur are advised of the emergency notification procedure. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-207. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the town.

(2) There shall be two (2) classes of building permits:

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the customer or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the mayor. A permit and inspection fee (sewage tapping fee), as shown in the water and sewer rate ordinances¹ shall be charged.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The user shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to public sewers shall be made only by a plumber duly certified in writing by the mayor's office.

(4) A separate and independent building sewer shall be provided for every building, except that when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway; the building sewer from the front building may be extended to the rear building and then both considered as one building sewer. However, each separate unit will pay a separate permit and inspection fee.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the mayor, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the town. In the absence of code provisions or in amplification in § 18-207(7), the materials of the A.S.T.M. and procedures set forth in the appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Building sewers shall be constructed only of:

(a) Concrete pipe, cast iron soil pipe, or clay sewer pipe using rubber compression joints of approved type; or

¹Ordinances affecting water and sewer rates are of record in the office of the recorder.

- (b) Polyvinyl-chloride pipe with rubber compression joints;
- (c) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(d) Such other materials of equal or superior quality as may be approved by the mayor. Under no circumstances will cement mortar joints be acceptable. Building sewers shall be a minimum of four (4) inches in diameter. Each connection to the public sewer must be made at a wye or service line stubbed out, or, in the absence of any other provision, by means of a saddle of a type approved by the town which is attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

(8) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer at a grade of one percent (1%) or more is 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 user. 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.

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

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

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

(12) 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. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-208. Industrial building sewer permits. (1) General requirements. All industrial users proposing to connect to or to contribute to the

sewage system shall obtain an industrial building sewer permit before connecting to or contributing to the sewage system. All existing significant users connected to or contributing to the sewage system shall obtain an industrial building sewer permit within 120 days after the effective date of this chapter.

(2) Permit application. Users required to obtain an industrial building sewer permit shall complete and file with the town an application in the form prescribed by the town, and accompanied by the required fee.

Existing users shall apply for an industrial building sewer permit within 30 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 sewer system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended;
- (c) Sewage constituents and characteristics including but not limited to those mentioned in this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 30-minute peak sewage flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(ii) No increment referred to in Paragraph (i) shall exceed 9 months.

(iii) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the superintendent.

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) Any other information as may be deemed by the town to be necessary to evaluate the permit application;

(n) Any person signing the application statement submitted pursuant to this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The person signing these certifications shall be as defined in § 18-202.

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 an industrial building sewer permit subject to terms and conditions provided herein.

(3) Permit modifications. Within 9 months of the promulgation of a national categorical pretreatment standard, the industrial building sewer permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard.

(4) Permit conditions. Industrial building sewer 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, but are not limited to, the following:

(a) The unit charge or schedule of user charges and fees for the sewage to be discharged to a municipal sewer;

(b) Limits on the average and maximum sewage constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(f) Compliance schedules;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining plant records relating to sewage discharge as specified by the town, and affording town access thereto;

(i) Requirements for notification of the town of any new introduction of sewage constituents or any substantial change in the volume or character of the sewage constituents being introduced into the sewage treatment system;

(j) Requirements for notification of slug discharges;

(k) Other conditions as deemed appropriate by the town to ensure compliance with this chapter and 40 CFR 403.8 of the federal pretreatment regulations.

(5) 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 customer shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as federal or state limitations or requirements are modified or for other just cause that exists. The user shall be informed of any proposed changes in his 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.

(6) Permit transfer. Industrial building sewer permits are issued to a specific user for a specific operation. An industrial building sewer 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 user shall also comply with the terms and conditions of the existing permit.

(7) Reporting requirements for permittee. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of sewage into the sewage works, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements.

The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional as per § 18-208(2)(n).

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 sewage system, shall submit to the town for review by the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. If the user monitors any pollutant more frequently than required by the town, the results of this monitoring shall be included in the report.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow allowed in the permit. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the

discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard.

All analyses performed for required reports as described above 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 administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(Comment: Where 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.)

If sampling performed by the user indicates a violation, the user shall notify the town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the town within 30 days after becoming aware of the violation.

A user discharging a substance into the POTW that if otherwise disposed of would be a hazardous waste under 40 CFR, Part 261, shall notify the POTW, the E.P.A. Regional Waste Management Division Director and Tennessee hazardous waste authorities in writing. The notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the E.P.A. hazardous waste number, and the type of discharge (continuous, batch, or other).

(8) Monitoring facilities. The town shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications.

Construction shall be completed within 90 days following written notification by the town.

(9) 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 sewage 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 purposes 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 inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(10) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be acceptable to the town before construction of the facility. The review of such plans and operating procedures will 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. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the town prior to the user's initiation of the changes.

The town shall annually publish in the largest daily newspaper published in the town a list of industrial users which were in significant noncompliance with pretreatment requirements or standards. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits defined as where sixty-six percent (66%) or more of all measurements taken in a six (6) month period exceed the daily maximum limit or the average limit for the pollutant tested.
- (b) Technical Review Criteria (TRC) violations defined as where thirty-three percent (33%) or more of all measurements for each pollutant tested during a six (6) month period equal or exceed the product of the daily maximum limit or average limit multiplied by the applicable TRC

value. (TRC = 1.4 for BOD, TSS, fats, and O & G, TRC = 1.2 for all other pollutants except pH.)

(c) Any violation of a pretreatment effluent limit (daily maximum or long-term average) that, alone or in combination with discharges, causes interference or pass-through violations.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the town's exerciser of its emergency authority under § 18-205 to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after scheduled date, a compliance schedule milestone as contained in a control mechanism or enforcement order.

(f) Failure to provide within 30 days of due date, required reports.

(g) Failure to accurately report noncompliance.

(h) Any other violation which the town determines will adversely affect the operation or implementation of the pretreatment program.

All records relating to compliance within pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(11) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town 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 a 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, may be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, Tennessee Discharge Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Sewage constituents and characteristics will not be recognized as confidential information. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-209. Charges and fees (user charge system). (1) It is the purpose of this chapter to provide for the recovery of costs from users of the town's sewage system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's water and sewer rate ordinance.

(2) A schedule of charges and fees shall be adopted by the Town of Dandridge which will enable it to comply with the revenue requirements of Section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by a separate ordinance, this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs, and capital improvements may be assessed by the Town of Dandridge. These charges and fees shall be recovered through the user classification established below.

All users shall be classified by the superintendent either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics.

(3) The town may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for treatment of sewage in excess of the strength of normal sewage for the town, and;
- (g) Other fees as the town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town.

(i) Basis of determination of charges. Charges and fees may be based upon a minimum basic charge for each premise, computed on the basis of "normal wastewater" from a domestic premise with the following characteristics:

BOD ₅	250 milligrams per liter
COD	500 milligrams per liter
TKN	60 milligrams per liter
Suspended Solids	250 milligrams per liter
Fats, Oils and Grease	100 milligrams per liter

The charges and fees for all classifications of users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, SS, NH₃ as N, chlorine demand, and volume.

(ii) User charges. Each user shall be levied a charge for payment of bonded indebtedness of the treatment system and for that user's proportionate share of the operations and maintenance costs of the system. A surcharge will be levied against these users with wastewater that exceeds the strength of "normal wastewater".

(A) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$C_u = (C_t / V_t) \times V_u$$

Where:

C_u = User's charge for O & M per unit of time.

C_t = Total O & M cost per unit of time.

V_t = Total volume contribution from all users per unit of time.

V_u = Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that Dandridge water use charges are based on a constant cost per unit of consumption.

(B) Surcharges. The surcharge will be the user's proportionate share of the O & M costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other elements in § 18-202(28). The cost of treatment of BOD₅ and/or TSS is \$1.18 per thousand gallons. This cost will be adjusted yearly according to treatment cost. The amount of the surcharge shall be determined by the following formula:

$$C_s = [(B_c \times B) + (S_c \times S) + (P_c \times P)] / V_u$$

Where:

- Cs = Surcharge for wastewaters exceeding the strength of "normal wastewater" expressed in dollars per billing period.
- Bc = O & M cost for treatment of a unit of BOD₅ expressed in dollars per pound.
- B = Concentration of BOD₅ from a user above the base level of 2.00 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
- Sc = O & M costs for treatment of a unit of suspended solids expressed in dollars per pound.
- S = Concentration of suspended solids from a user above the base level of 2.00 lbs/1,000 gallons expressed in pounds per 1, 000 gallons.
- Pc = O & M cost for treatment of a unit of any pollutant which the publicly owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.
- P = Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the superintendent.
- Vu = Volume contribution from a user per billing period (Expressed in thousands of gallons).

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary; but in no case less frequently than annually.

(4) Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(5) Biennial review of operation and maintenance charges. The Town of Dandridge shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-210. Enforcement. The town may invoke one or more of the enforcement responses in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, causes interference to the sewage

system, or causes the town to violate any condition of its NPDES permit. The town may invoke one or more enforcement responses in order to bring an industrial user into compliance with pretreatment standards as described in individual industrial permits.

(1) Notice of violation. Whenever the superintendent finds that any industrial user has violated or is violating any part of this chapter, or its industrial user permit or order issued hereunder, the superintendent or his representative may serve written notice of violation to the industrial user in violation. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention of further occurrences containing specific actions, shall be submitted to the superintendent. Reply to the notice of violation and submission of a plan of action in no way relieves the user of liability for any violations occurring before or after the notice of violation.

(2) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific actions to be taken by the industrial user to correct the noncompliance within a time period specified within the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-210(3),(4), and (5).

(3) Order for show cause hearing. The superintendent may order any industrial user which causes or contributes to violation of any part of this chapter or its industrial wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken.

Notice shall be served on the user specifying time and place for the meeting, the proposed enforcement action and reasons for such actions, and a request that the industrial user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at a minimum of 10 days prior to the meeting. Such notice may be served on the principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

The superintendent, representative(s) of town council, and involved wastewater facility personnel are to be at the hearing.

During the hearing, testimony of witnesses and production of evidence relevant to matters stated in the order will be discussed.

Final conclusions and recommendations of the hearing shall be transmitted in a report, also containing transcripts of the hearing and evidence produced, for action by the mayor.

After the mayor has reviewed the report of the show cause hearing, he may have further orders or directives filed that are necessary to bring the user into compliance with this chapter, the user permit, or other order previously issued.

At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of usual charges thereof.

(4) Compliance order. When the superintendent finds that an industrial user has violated or continues to violate this chapter, or its industrial user permit, or order issued thereunder, he may issue an order to the industrial user responsible for the violation(s) directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. The order may also contain other requirements as might be necessary and appropriate to address noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(5) Cease and desist order. When the superintendent finds that an industrial user has violated, or continues to violate this chapter, or its industrial user permit, or any order issued thereunder, the superintendent may issue an order of cease and desist of all such violations and direct those persons responsibly in charge of the industry in noncompliance to:

(a) Comply forthwith.

(b) Take such appropriate remedial or preventive actions as may be necessary to properly address a continuing or threatened violation including halting operations and terminating discharge.

(6) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or industrial user permit, or orders issued hereunder shall be fined an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have at his disposal such collection remedies as necessary to collect fines, service charges, and surcharges. Industrial users desiring to dispute such fines must file a request for the superintendent to reconsider the fine within 15 days of being notified of the fine. Where the superintendent believes a request has merit, he shall convene a hearing on the matter within 10 days of receiving the request from the industrial user.

(7) Termination of permit. Significant industrial users who violate the following conditions of this chapter or their industrial user permit or written order or any applicable local, state, or federal law are subject to permit termination:

(a) Violation of permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes, operations or wastewater constituents characteristics.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Industrial users in noncompliance will be notified of the proposed termination of their wastewater discharge permit and offered opportunity to show cause under § 18-210(3) why the proposed action should not be taken.

(8) Order to terminate water supply. When the superintendent has exhausted all administrative enforcement options available on a user who continues to violate this chapter, or industrial user permit, or order issued thereunder, water service to the industrial user may be terminated. Service will only recommence, at the users expense, after it has demonstrated its ability to comply.

(9) Injunctive relief. If any person discharges sewage, industrial wastes or other wastes into the town's sewage treatment 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 Circuit Court of this county. The superintendent shall have such remedies to collect these fees as he has to collect other sewer service charges. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-211. Protection from damage. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-212. Powers and authority of inspectors. (1) The mayor and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all industrial and commercial properties for the purposes of inspection, observation, measurement, sampling, records examination and/or copy the same, and testing in accordance with the provisions of this chapter.

(2) While performing the necessary work on private properties referred to in § 18-212(1) above, the mayor 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 gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

(3) The mayor and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all

private properties through which the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

18-213. Penalty: costs. (1) Civil penalties. Any user who is found to have violated an order of the town council or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one hundred dollars (\$100.00) and, not more than five thousand dollars (\$5,000.00) for each offense. Each day on 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 attorneys' fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, 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 one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both. (Ord. #93/94-12, June 1994, as replaced by Ord. #95/96-10, Sept. 1996)

CHAPTER 3

WATER SUPPLY

SECTION

- 18-301. Definitions.
- 18-302. Determination of likely recharge area.
- 18-303. Activities threatening quality of ground water.
- 18-304. Notice.
- 18-305. Hydrogeological study.
- 18-306. Easement for water supply protection.
- 18-307. Applicability.

18-301. Definitions. The following terms are defined for purposes of this chapter:

(1) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of water to wells or springs.

(2) "Hazardous waste" is defined in accordance with Tennessee Code Annotated, § 68-212-104(7) and implementing regulations.

(3) "Petroleum underground storage tank" is defined in accordance with Tennessee Code Annotated, § 68-215-105(14) and implementing regulations.

(4) "Recharge area" for a well or spring means that surface area into which precipitation and surface water infiltrate, which water flows to an aquifer that replenishes the well or spring.

(5) "Solid waste" is defined in accordance with Tennessee Code Annotated, § 68-211-103(7) and implementing regulations. (Ord. #90/91-2, Sept. 1990)

18-302. Determination of likely recharge area. The Water Board of the Town of Dandridge shall cause a study to be performed by a qualified hydrogeologist to make a preliminary determination of the likely recharge area for the ground water sources of drinking water for the Town of Dandridge. The board may rely upon a preexisting study if that study is deemed adequate by the board. A map showing the likely recharge area shall be drawn based upon the preliminary determination of the hydrogeologist and shall be available for inspection by the public during normal business hours at the board's office. (Ord. #90/91-2, Sept. 1990)

18-303. Activities threatening quality of ground water. (1) The following activities, if conducted within the recharge area of the ground water sources of drinking water for the Town of Dandridge, are considered by the board to present a threat to the quality of that water:

- (a) Storage, treatment or disposal of hazardous waste;
 - (b) Petroleum underground storage tanks, except for tanks that are in compliance with design and monitoring standards adopted pursuant to Tennessee Code Annotated, § 68-215-105; and
 - (c) Landfill disposal of solid waste.
- (2) The board may add to or subtract from this list of activities by amending this chapter. (Ord. #90/91-2, Sept. 1990)

18-304. Notice. Any person who proposes to conduct any of the activities listed in § 18-303, above, within three (3) miles of the sources of ground water supply for the Town of Dandridge must notify the chair of the water board at least 120 days before commencing such activity or at the time when an application for a permit for such activity is submitted to any federal, state, or local agency, whichever comes first. Such notification shall be given whether the activity is proposed for a location within or without the corporate limits of the Town of Dandridge. (Ord. #90/91-2, Sept. 1990)

18-305. Hydrogeological study. When the board learns that an activity listed in § 18-303, above, is proposed within three (3) miles of the sources of ground water supply for the town, the board shall first make a determination whether the property on which the activity is proposed is located within the recharge area as preliminarily defined. If the property is within the recharge area, the board shall determine whether the proposed activity may pose a threat to the quality of the Town of Dandridge ground water supply taking into consideration the nature and scope of the activity. If the board determines that such activity may pose a threat to the quality of the ground water supply, the board shall request that the person proposing to conduct the activity perform a hydrogeological study, including properly conducted dye tracing, to determine whether there is a connection between the ground water under the property where the activity is to be conducted and the sources of ground water supply for the Town of Dandridge. In the alternative, the board may perform the hydrogeological study itself or may rely upon a preexisting study.

If the person proposing to conduct the activity determined by the board to pose a threat to the Town of Dandridge ground water supply refuses to conduct such a hydrogeological study and refuses access to the board to conduct its own study, the board may initiate proceedings to condemn an easement on the land, as set out in § 18-306 below, in order to gain entry for the purposes of conducting such a study itself.

The board shall review any hydrogeological study conducted by or on behalf of a person proposing to conduct the activity in the recharge area and make a determination of its adequacy and validity. If the board determines that such a study is inadequate or invalid, then it shall request that the person proposing to conduct the activity correct the deficiencies in the study. If the

person proposing to conduct the activity refuses to correct the deficiencies in the hydrogeological study, the board may initiate proceedings to condemn an easement on the land, as set out in § 18-306 below, and may gain entry for the purposes of conducting such a study itself. (Ord. #90/91-2, Sept. 1990)

18-306. Easement for water supply protection. If the property on which the activity is proposed is within the recharge area as preliminarily determined by the board, it is presumed that there is a connection between the ground water under the property and the sources of ground water supply for the Town of Dandridge, unless an adequate and valid hydrogeologic study demonstrates that there is no connection. If no hydrogeologic study is performed or if the board, based upon the results of an adequate and valid hydrogeologic study, determines that the ground water under the property where the activity threatening ground water quality is proposed is connected with the ground water sources of the Town of Dandridge water supply, the board may initiate proceedings to condemn an easement on such property for the specific purpose of preventing any activities threatening ground water quality from being conducted on such property. The procedures for condemning such easement are as set out in Tennessee Code Annotated, § 29-16-101, et seq. The board may initiate such proceedings whether the property is within or without the corporate limits of the Town of Dandridge. (Ord. #90/91-2, Sept. 1990)

18-307. Applicability. This chapter is applicable to new activities and not those with all final, state, and local permits and in operation on the effective date of the chapter. (Ord. #90/91-2, Sept. 1990)

CHAPTER 4**SEWAGE AND HUMAN EXCRETA DISPOSAL¹****SECTION**

- 18-401. Definitions.
- 18-402. Places required to have sanitary disposal methods.
- 18-403. When a connection to the public sewer is required.
- 18-404. When a septic tank shall be used.
- 18-405. Registration and records of septic tank cleaners, etc.
- 18-406. Use of pit privy or other method of disposal.
- 18-407. Approval and permit required for septic tanks, privies, etc.
- 18-408. Owner to provide disposal facilities.
- 18-409. Occupant to maintain disposal facilities.
- 18-410. Only specified methods of disposal to be used.
- 18-411. Discharge into watercourses restricted.
- 18-412. Pollution of ground water prohibited.
- 18-413. Enforcement of chapter.
- 18-414. Carnivals, circuses, etc.
- 18-415. Violations.

18-401. Definitions. The following definitions shall apply in the interpretation of this chapter:

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

(2) "Human excreta." The bowel and kidney discharges of human beings.

(3) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground

¹Municipal code reference

Plumbing code: title 12, chapter 2.

or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

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

(5) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer. (1981 Code, § 8-301)

18-402. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1981 Code, § 8-302)

18-403. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1981 Code, § 8-303)

18-404. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1981 Code, § 8-304)

18-405. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1981 Code, § 8-305)

18-406. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1981 Code, § 8-306)

18-407. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1981 Code, § 8-307)

18-408. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-402, or the agent of the owner to provide such facilities. (1981 Code, § 8-308)

18-409. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1981 Code, § 8-309)

18-410. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1981 Code, § 8-310)

18-411. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1981 Code, § 8-311)

18-412. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1981 Code, § 8-312)

18-413. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the

terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code, but such person shall be allowed the number of days herein provided within which to make permanent correction. (1981 Code, § 8-313)

18-414. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1981 Code, § 8-314)

18-415. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1981 Code, § 8-315)

CHAPTER 5

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-501. Definitions.
- 18-502. Standards.
- 18-503. Construction, operation, and supervision.
- 18-504. Statement required.
- 18-505. Inspections required.
- 18-506. Right of entry for inspections.
- 18-507. Correction of existing violations.
- 18-508. Use of protective devices.
- 18-509. Unpotable water to be labeled.
- 18-510. Violations.

18-501. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system which furnishes water to the Dandridge Water and Wastewater System for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

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. #86/87-8, March 1987)

18-502. Standards. The Dandridge Water and Wastewater System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #86/87-8, March 1987)

18-503. Construction, operation, and supervision. No person shall cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of the Dandridge Water and Wastewater System. (Ord. #86/87-8, March 1987)

18-504. Statement required. Any person whose premises are supplied with water from the public water system and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of the Dandridge Water and Wastewater System a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #86/87-8, March 1987)

18-505. Inspections required. It shall be the duty of the Dandridge Water and Wastewater System to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Superintendent of the Dandridge Water and Wastewater System and as approved by the Tennessee Department of Health. (Ord. #86/87-8, March 1987)

18-506. Right of entry for inspections. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Dandridge Water and Wastewater

System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #86/87-8, March 1987)

18-507. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the Dandridge Water and Wastewater System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Dandridge Water and Wastewater System shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water system from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility 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 supply from the on-site piping system unless the hazard(s) is (are) corrected immediately. (Ord. #86/87-8, March 1987)

18-508. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water 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 Superintendent of the Dandridge Water and Wastewater 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 a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

The Dandridge Water and Wastewater System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the water system shall notify the superintendent in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the Superintendent of the Dandridge Water and Wastewater System.

If necessary water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering of 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 Dandridge Water and Wastewater System. (Ord. #86/87-8, March 1987)

18-509. Unpotable water to be labeled. The potable water supply made available on properties served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #86/87-8, March 1987)

18-510. Violations. The requirements contained herein shall apply to all premises served by the Dandridge Water and Wastewater System regardless of political subdivision boundaries, and are hereby made a part of the conditions required to be met for the Dandridge Water and Wastewater System to provide water service to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, relative to boundaries of any political subdivision.

Whenever any person neglects or refuses to comply with any of the provisions of this policy, the superintendent shall discontinue the public water system service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. #86/87-8, March 1987)

CHAPTER 6

**CONTROL AND OPERATION OF THE WATERWORKS
AND SEWAGE SYSTEMS**

SECTION

18-601. Board of mayor and aldermen to supervise and control.

18-602. Water commission established.

18-603. Water board members appointed to the water commission.

18-601. Board of mayor and aldermen to supervise and control.

Pursuant to Tennessee Code Annotated, § 7-35-406 the board of mayor and alderman shall be authorized and empowered to have the supervision and control of the operation and future construction and have all the duties, powers and responsibilities of and for the Town of Dandridge's waterworks and sewer systems granted to said entity pursuant to Tennessee Code Annotated, § 7-35-401 et seq. (as added by Ord. #02/03-14, March 2003)

18-602. Water commission established.

There shall be hereinafter established a water commission who shall serve as an advisory commission to the board of mayor and alderman. (as added by Ord. #02/03-14, March 2003)

18-603. Water board members appointed to the water

commission. The members of the current water board are hereby appointed to the town's water commission to complete the term on said commission to which they were appointed to prior to this chapter. (as added by Ord. #02/03-14, March 2003)

CHAPTER 7

FATS, OILS, AND GREASE

SECTION

- 18-701. Purpose.
- 18-702. Fat, oil, and grease (FOG), waste food, and sand interceptors.
- 18-703. Definitions.
- 18-704. Fat, oil, grease, and food waste.
- 18-705. Sand, soil, and oil interceptors.
- 18-706. Laundries.
- 18-707. Control equipment.
- 18-708. Enforcement and penalties.

18-701. Purpose. The purpose of this chapter is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations or the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant. (as added by Ord. #02/03-18, May 2003)

18-702. Fat, oil, and grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be provided by the property owner when they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. (as added by Ord. #02/03-18, May 2003)

18-703. Definitions. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

(1) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(2) "Grease interceptor." An interceptor whose rated flow exceeds 50 g.p.m. and is located outside the building.

(3) "Grease trap." An interceptor whose rated flow is 50 g.p.m. or less and is located inside the building. (as added by Ord. #02/03-18, May 2003)

18-704. Fat, oil, grease, and food waste. (1) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(2) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.

(3) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must implement the plan within a reasonable amount of time, service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plant additional pretreatment may be required. (as added by Ord. #02/03-18, May 2003)

18-705. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors that are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size or the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers. (as added by Ord. #02/03-18, May 2003)

18-706. Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids ½ inch or larger in size such as strings, rags, buttons, or other solids detrimental to the system. (as added by Ord. #02/03-18, May 2003)

18-707. Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with southern plumbing code and Tennessee Department of Environment and Conservation engineering standards; underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator

of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment the property owner shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this section shall be construed to prohibit or restrict any other remedy the town has under this chapter, or state or federal law.

The town retains the right to inspect and approve installation of the control equipment. (as added by Ord. #02/03-18, May 2003)

18-708. Enforcement and penalties. Any person who violates this chapter shall be guilty of a civil violation punishable under and according to the general penalty provision of the town's municipal code of ordinances. Each day's violation of this chapter shall be considered a separate offense. (as added by Ord. #02/03-18, May 2003)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. RECYCLING REGULATIONS.
2. FAIR HOUSING REGULATIONS.
3. PARKS AND RECREATION.

CHAPTER 1

RECYCLING REGULATIONS

SECTION

- 20-101. Definitions.
- 20-102. Policy of curbside recycling.
- 20-103. Recycling required.
- 20-104. Contract for collection and materials to be recycled.
- 20-105. Recycling containers.
- 20-106. Collection cost and compulsory service charge.
- 20-107. Orders to correct violations.
- 20-108. Violations.

20-101. Definitions. As used in this chapter, terms are defined as follows unless the context indicates otherwise:

(1) "Contractor" means the person or firm who is in charge of the actual collection of the recyclable materials. This term may be used interchangeably with the term "collector."

(2) "Duplex" means and includes a detached two-family structure designed or intended for occupancy by two (2) families and shall be considered two collection customers.

(3) "Multi-family dwelling" means and includes any building or structure containing four (4) or more contiguous living units and intended exclusively for residential single persons or families. Multi-family dwelling units including more than four (4) units will not be considered for residential recycling collection service.

(4) "Municipal solid waste" means any garbage, refuse, or household waste required to be disposed of in a Class I landfill, as defined in regulations adopted pursuant to Tennessee Code Annotated, title 68, chapter 211; provided, however, municipal solid waste does not include the following:

- (a) Radioactive waste;
- (b) Hazardous waste as defined in Tennessee Code Annotated, § 68-212-104;
- (c) Infectious waste;

(d) Industrial waste which may include office domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility if such waste is generated solely by the owner of the solid waste system or resource recovery facility.

(5) "Recyclable materials" means those materials which are capable of being reused or returned to use in the form of raw materials or products, whether or not such materials have been diverted or removed from the solid waste stream.

(6) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(7) "Residence" means and includes a detached single-family structure designed or intended for occupancy by one person or by one family. Each trailer or mobile home in a non-containerized area shall be deemed a "residence", and each paid space shall be deemed a single-family structure.

(8) "Solid waste" means any garbage or refuse, including without limitation, recyclable materials when they become discarded.

(9) "Solid waste stream" means the system through which solid waste and recoverable materials move from the point of discard to recovery or disposal.

(10) "Triplex" means and includes a detached three-family structure designed or intended for occupancy by three (3) families and shall be considered three collection customers. (Ord. #92/93-5, May 1993)

20-102. Policy of curbside recycling. It is the policy of the Town of Dandridge, Tennessee to initiate a once a week residential curbside recycling collection program to service residences currently serviced by the Town of Dandridge. (Ord. #92/93-5, May 1993)

20-103. Recycling required. Every residence in Dandridge which is currently serviced by the town is required to place recyclable solid waste materials of paper, glass, plastics, and aluminum cans in containers for collection by the town or its contractor. Replacement containers will be provided to each residence. Residents may purchase additional containers which will be collected at the curb. The town, or its contractor, shall collect nothing other than paper, glass, plastics, and aluminum cans in the recycling containers, unless otherwise specified by contract approved by the town. (Ord. #92/93-5, May 1993)

20-104. Contract for collection and materials to be recycled. The mayor is authorized to negotiate a contract for the collection of recyclable materials once each week at the curb of every residence, as specified in § 20-103 above, in Dandridge. Materials to be placed in recycling containers for collection shall consist of the following: paper, glass, plastics, and aluminum. Other materials, for which markets may improve or develop, may be included by

amendment of the contract between the town and the contractor. (Ord. #92/93-5, May 1993)

20-105. Recycling containers. The contractor shall supply the recycling containers. (Ord. #92/93-5, May 1993)

20-106. Collection cost and compulsory service charge. Contract services for the collection of recyclable materials are estimated to cost \$13,000.00 annually. The Town of Dandridge is empowered by art. VIII, § 2, sub-section (13) of the Charter of the Town of Dandridge to collect garbage, including recyclable materials, and to impose a compulsory service charge for such, and regulate the collection thereof. The Solid Waste Management Act of 1991, enacted by the Tennessee General Assembly also confers similar authority to city governments. A one dollar (\$1.00) per month compulsory recycling service charge is hereby imposed on every residential unit described in § 20-103. This service charge shall be collected on the monthly water/sewer billing statement. The first dollar collected shall be the compulsory recycling service charge, for collecting garbage which is recyclable, with the balance of the statement to be the user fee for water/sewer service. Water customers with bulk meters shall pay a one dollar (\$1.00) per month compulsory recycling service charge for each residential unit, described in § 20-103. A minimum charge shall be assessed for recycling collection to bulk meter customers, equal the number of household units served by the bulk meter, and shall be collected on the monthly water/sewer billing statement for the compulsory recycling service with the balance of the statement to be the user fee for water/sewer service. (Ord. #92/93-5, May 1993)

20-107. Orders to correct violations. It shall be the duty of the mayor, or his authorized representative, to issue orders requiring the proper handling of solid waste materials that are recyclable on public and private premises to owners, occupants, tenants, or lessees of such properties where violations are known to exist. Such orders shall require that all violations shall be corrected within the time specified by the mayor. (Ord. #92/93-5, May 1993)

20-108. Violations. Any person who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice issued by the mayor, or his representative, shall be guilty of a misdemeanor and shall be subject to a penalty under the general penalty clause of the Town of Dandridge Municipal Code. (Ord. #92/93-5, May 1993)

CHAPTER 2

FAIR HOUSING REGULATIONS

SECTION

- 20-201. Policy.
- 20-202. Definitions.
- 20-203. Unlawful practice.
- 20-204. Discrimination in the sale or rental of housing.
- 20-205. Discrimination in the financing of housing.
- 20-206. Discrimination in the provisions of brokerage services.
- 20-207. Exemption.
- 20-208. Administration.
- 20-209. Education and conciliation.
- 20-210. Enforcement.
- 20-211. Investigations; subpoenas; giving of evidence.
- 20-212. Enforcement by private persons.

20-201. Policy. It is the policy of the Town of Dandridge, to provide, within constitutional limitations, for fair housing throughout the town. (Ord. #96/97-22, Aug. 1997)

20-202. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-204, 20-205 or 20-206. (Ord. #96/97-22, Aug. 1997)

20-203. Unlawful practice. Subject to the provisions of § 20-207(2), the prohibitions against discrimination in the sale or rental of housing set forth in § 20-204 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-204 shall apply to:

(a) Any single-family house sold or rented by an owner:
Provided that such private individual owner does not own more than

three such single-family houses at any one time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at one time: Provided further that the sale or rental of any such single-family houses shall be excepted from the application of this title only if such house is sold or rented (i) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and (ii) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-204(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He has, within preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. #96/97-22, Aug. 1997)

20-204. Discrimination in the sale or rental of housing. As made applicable by § 20-203 and except as exempted by §§ 20-203(2) and 20-207 it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicap.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in connection therewith, because of race, color, religion, sex, national origin, familial status, or handicap.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or handicap, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicap, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status, or handicap.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #96/97-22, Aug. 1997)

20-205. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or, other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status, or handicap of such person or of any person associated with him in the connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-203(2). (Ord. #96/97-22, Aug. 1997)

20-206. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status, or handicap. (Ord. #96/97-22, Aug. 1997)

20-207. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status, or handicap. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its member or from giving preference to its members. (Ord. #96/97-22, Aug. 1997)

20-208. Administration. (1) The authority and responsibility for administering this act shall be in the Board of Mayor and Aldermen of the Town of Dandridge.

(2) The board of mayor and aldermen may delegate any of these functions, duties, and powers to employees of the town or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter. The board of mayor and aldermen shall rule on or prescribe rights of appeal from the decisions of his hearing examiners to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the board of mayor and aldermen to further such purposes. (Ord. #96/97-22, Aug. 1997)

20-209. Education and conciliation. Immediately after the enactment of this chapter, the board of mayor and aldermen shall commence such educational and conciliatory activities as will further the purposes of this chapter. They may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and

their suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. #96/97-22, Aug. 1997)

20-210. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether the Commission intends to resolve it. If the Tennessee Human Rights Commission decides to resolve the complaints, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the Tennessee Human Rights Commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Tennessee Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the Tennessee Human Rights Commission, the Tennessee Human Rights Commission has been unable to obtain voluntary compliance with this chapter, the person aggrieved, may within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Tennessee Human Rights Commission will assist in this filing.

(4) If the Tennessee Human Rights Commission has been unable to obtain voluntary compliance within thirty days of the complaint, the person

aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the Tennessee Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #96/97-22, Aug. 1997)

20-211. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the Tennessee Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such person as are reasonably necessary for the furtherance of the investigation; Provided, however, that the Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Tennessee Human Rights Commission may issue subpoenas to compel its access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the Tennessee Human Rights Commission himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoenas of the Tennessee Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after services of a subpoena upon any person, such person may petition the Tennessee Human Rights Commission to revoke or modify the subpoena. The Tennessee Human Rights Commission shall grant

the petition if it finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the Tennessee Human Rights Commission or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoenas or lawful order of the Tennessee Human Rights Commission shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Tennessee Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The Tennessee Human Rights Commission shall conduct all litigation in which the Tennessee Human Rights Commission participates as a party or as amicus pursuant to this chapter. (Ord. #96/97-22, Aug. 1997)

20-212. Enforcement by private persons. (1) The rights granted by §§ 20-203, 20-204, 20-205 and 20-206 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or § 20-210(4) from time to time before bringing it to trial. Civil action may be brought against any person or persons engaged in a discriminatory housing practice associated with the selling or renting of dwellings except as previously exempted within this chapter; or

(2) Any person because he is engaged in, or has been engaged in activities which would prevent or discourage, any citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, national origin, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if bodily injury results, shall be fined nor more than \$10,000 or imprisoned not

more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (Ord. #96/97-22, Aug. 1997)

CHAPTER 3

PARKS AND RECREATION

SECTION

- 20-301. Definitions.
- 20-302. Purposes.
- 20-303. Enforcement authority.
- 20-304. Hours.
- 20-305. Closed areas.
- 20-306. Preservation of buildings and other property.
- 20-307. Protection and preservation of wildlife.
- 20-308. Picnic shelter permit.
- 20-309. Special photography permit.
- 20-310. Public demonstrations permit.
- 20-311. Procedure for application for permit.
- 20-312. Standards for issuance of permit.
- 20-313. Decision on application; appeals from denial of permit.
- 20-314. Conditions of permit.
- 20-315. Alcoholic beverages.
- 20-316. Drunkenness
- 20-317. Vending or selling in park areas.
- 20-318. Domestic animals.
- 20-319. Game and sport activity.
- 20-320. Food preparation and cooking.
- 20-321. Regulation and control.
- 20-322. State and local traffic regulations apply.
- 20-323. Obedience to traffic signs.
- 20-324. Enforcement of traffic regulations.
- 20-325. Use of vehicles.
- 20-326. Speed of vehicles.
- 20-327. Vehicles confined to designated areas.
- 20-328. Parking regulations.
- 20-329. Parking during authorized hours.
- 20-330. Applications for reserving facilities.
- 20-331. Penalty.

20-301. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Director" shall mean the town administrator or designee.
- (2) "Driver" shall mean every person who drives or is in actual physical control of a vehicle in or on park property, or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(3) "Motor vehicle" shall mean every vehicle which is self-propelled whether by means of an internal combustion engine or by electrical power, including but not limited to, automobiles, buses, emergency vehicles, motorcycles, motorbikes, motorscooters, school buses, trucks and tractors.

(4) "Nonresident" shall mean any person not classified as a resident of the town.

(5) "Parking" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(6) "Park" or "park area" shall mean all parks, playgrounds, recreation fields and areas, waterways, water areas, marinas, lakes, streams, canals, and the parking areas, roadways, walkways, paths and trails which are provided in connection therewith, and other improvements thereto, which are owned by the town, and/or which are under the control for the town for operation, maintenance or upkeep.

(7) "Traffic-control devices" shall mean all signs, signals, markings and devices placed or erected by authority of the town for the purpose of regulating, warning or guiding traffic. (as added by Ord. #01/02-13, April 2002)

20-302. Purposes. The purposes of this chapter are to establish rules and regulations governing the operation and use of the town's municipal parks and recreational facilities including established and designated picnic areas, public buildings and shelters devoted to recreation purposes, athletic fields, tennis courts, and other similar recreation areas and facilities, and the parking areas provided in connection therewith which are owned or leased by the town, for the end purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended and that the facilities may be conserved and protected for the public good. (as added by Ord. #01/02-13, April 2002)

20-303. Enforcement authority. (1) It shall be the duty and responsibility of the police department and public works department employees and the code enforcement officer to enforce this chapter.

(2) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by this chapter or for any person to fail to comply with any lawful order given by the police department.

(3) Continuous violation of this chapter shall result in permanent expulsion from the Town of Dandridge's park system and recreation facilities. (as added by Ord. #01/02-13, April 2002)

20-304. Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information. All park visitors shall vacate the park premises during

posted hours of closing to the public, or as directed by the public works superintendent. Any party using the park(s) or street(s) except for through travel shall be deemed to be trespassing. (as added by Ord. #01/02-13, April 2002)

20-305. Closed areas. Any section or part of any park may be declared closed to the public by the director at any time and for any interval or at regular or started intervals (daily or otherwise) or entirely or merely restricted to certain uses as the director shall find reasonably necessary. Any party using the closed area shall be deemed to be trespassing. (as added by Ord. #01/02-13, April 2002)

20-306. Preservation of buildings and other property. (1) No person in a park or building or upon park grounds shall willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever. No person shall throw any material or object on roofing surfaces or against exterior building.

(2) All persons using restrooms and washrooms shall cooperate in keeping them in a neat and sanitary condition.

(3) No person shall damage or remove plants or plant materials, trees or parts thereof, or any flowers, nuts, seeds whatsoever, except that park personnel may be empowered to make such removals. Scientists and students of botany may be given special written permission at the discretion of the public works director.

(4) No person or agency shall make any excavations by tool, equipment, blasting or other means or agency, nor shall any person construct or erect any building or structure of whatsoever kind either permanent or temporary or run or string any public utilities into, upon, across, or over any park or recreation lands, unless authorized by permit or easement.

(5) Smoking shall be permitted in a designated smoking area only. No fires shall be built in any area of any park, except such areas as are specifically designed for fire building, nor shall any person dump, throw or permit to be scattered, by any means, lighted matches, or any other flammable material within any park area or highway or road or street abutting thereto.

(6) No person shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railing fences, or upon any other property not designated or customarily used for such purposes.

(7) *In the event of organizations or leagues wishing to construct or develop new facilities at Grace Shrader Park, the organizations will be responsible for securing cash or grant moneys to cover the entire construction*

and/or development costs. Additionally, the park management committee, or an administrator designated by the park committee, must accept the project and determine what additional fees might apply. Such fees will take into account a pro rata contribution considering the value of and the sources of investment for the existing ball fields. (as added by Ord. #01/02-13, April 2002)

20-307. Protection and preservation of wildlife. (1) No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot, throw, or propel by any means missiles at any wildlife creature, be it any animal, bird, reptile roaming free about a park with the exception of police department personnel/animal control officer acting to protect the general public using a park facility; nor shall any person remove or possess the young of any wild animal or the nest or eggs of any reptile or bird, or collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any wildlife specimen, dead or alive.

(2) No person shall place, dump, abandon or leave any animal, reptile or bird either wild or domestic on the grounds of any park. (as added by Ord. #01/02-13, April 2002)

20-308. Picnic shelter permit. Picnic shelters are available on a first come, first serve basis with respect to the hours of operation. (as added by Ord. #01/02-13, April 2002)

20-309. Special photography permit. (1) Written permission must be first obtained from the town administrator or their designee for the making of still or moving pictures that involves the use of special settings, structures or apparatus or the performance of cast persons, whether amateur or professional, or the posting of amateur or professional models. Permission shall be granted only when such activities will be in full compliance with all laws and regulations in the United States, the state, county and town, and will in no way interfere with the normal use of park facilities by the general public, unless otherwise permitted by the town. The provisions of this section do not in any way restrict the use of cameras, by amateur photographers who are not using such settings, casts or models.

(2) Written permission must be obtained from the town administrator for any professional photographers, except for team pictures of the Dandridge Bronco League, South Jefferson Little League and newspaper articles. At the discretion of the Town of Dandridge, South Jefferson Little League, or Dandridge Bronco League, a fee may be charged to any professional photographer for the use of the field and facilities. (as added by Ord. #01/02-13, April 2002)

20-310. Public demonstrations permit. (1) No band procession, military company or any company or group with flags, banners, signs

(professionally made or handmade) and transparencies shall be allowed upon any park or within any park without written permission of the town. Such permits shall clearly define the nature of the activity, the limit of its scope and time, and shall set forth such other restrictions and requirements as the director may deem necessary. *These permits do not apply to fund raising signage traditionally used in Grace Shrader Park by Dandridge Bronco Little League Football or South Jefferson Little League so long as the moneys raised are spent on activities at Grace Shrader Park.*

(2) No entertainment, musical rendition, or exhibition shall be given in any park or recreation area, and no electric microphones or amplifying devices shall be used in connection therewith, except under the direction and authority of the director, or in the performance of duty by the police department personnel. Amplifying devices may be used for the purpose of sporting events.

(3) No person shall initiate, sponsor, organize, promote, conduct, or advertise a public assembly to be gathered in a park or recreation area unless written permission has been obtained from the director. Separate written permission shall be required for each such assembly and the period of time for which applicable shall be clearly stated. (as added by Ord. #01/02-13, April 2002)

20-311. Procedure for application for permit. All requests for permits required hereunder shall be made in writing upon an application form, to be furnished by the parks and recreation department, which shall require the following information:

(1) The name and address of the applicant proposing or sponsoring the activity involved;

(2) The type of permit requested and the purposes or activity proposed thereunder;

(3) The date and hours for which the permit is desired;

(4) The specific park area or recreation facility for which the permit is requested;

(5) The proposed number of persons who will attend or participate in the activity involved;

(6) A statement of any special circumstances which are material to the permit requested;

(7) A detailed description of all equipment to be brought into the park;

(8) Such other relevant information as the director may reasonably require in regard to the application. (as added by Ord. #01/02-13, April 2002)

20-312. Standards for issuance of permit. If the park area or recreation facility will be available for use on the date and time requested and is not subject to a prior reservation, the director shall issue a permit under this article when the park use applied for is in accordance with the purpose for which such park property is designed or intended, and provided that the proposed

activity will not be unreasonably interfere with or detract from the general public enjoyment of the remaining park area or interfere with or endanger public health, welfare or safety. Where the permit applies to Grace Shrader Park, application for priority use should be made during the bi-annual planning periods of May (for the July-December scheduling period) and October (for the January-June scheduling period). Applications for permits in months other than May or October may be awarded at the discretion of the director and subject to prior commitments made through the normal planning periods. Issuance for permits for the use of Grace Shrader Park will be determined by the park management committee, or by a designee of the park management committee. (as added by Ord. #01/02-13, April 2002)

20-313. Decision on application; appeals from denial of permit.

(1) Within five (5) business days after receipt of an application for permit hereunder, the director shall either approve or deny it and advise the applicant accordingly, either in person or by mail. Where the permit is requested for Grace Shrader park during the May and October planning periods, all permits will be granted or denied by the 15th of the following month.

(2) If an application is denied, the director at the time of notification shall apprise the applicant in writing of the reasons for such refusal. Any persons aggrieved thereby shall have the right to appeal such adverse decision in writing within seven (7) days of receipt of such refusal to the town recorder, who shall place the item before the parks, recreation and tourism committee, and the committee shall sustain, overrule or modify the director's decision within a fifteen day period. (as added by Ord. #01/02-13, April 2002)

20-314. Conditions of permit. Permits will be issued subject to such special regulations and instructions as may be prescribed by the director. Permittees shall be bound by all park rules, regulations, and all applicable law and ordinances as fully as though the same were inserted in the permits. Permittees agree to hold the town harmless from any claims for loss, injury or damage to any persons whatsoever cause by the negligence of permittees in the exercise of such permit. The director shall have the authority to revoke a permit upon finding a violation of any rule, law, or ordinance. (as added by Ord. #01/02-13, April 2002)

20-315. Alcoholic beverages. (1) No alcoholic beverages whatsoever shall be permitted to be brought into any park area unless authorized and approved by the Town of Dandridge Beer Board.

(2) No alcoholic beverages whatsoever shall be transported, possessed or consumed in any park area of this town unless authorized by the Town of Dandridge Beer Board. (as added by Ord. #01/02-13, April 2002)

20-316. Drunkenness. No intoxicated person will be permitted entry to parks or recreation areas, and if discovered therein, will be ejected and/or

arrested forthwith by personnel of the Dandridge Police Department. (as added by Ord. #01/02-13, April 2002)

20-317. Vending or selling in park areas. No person, other than the parks and recreation department, South Jefferson Little League, Dandridge Broncos League, or its licensed concessionaires acting by and under the authority of the town, will offer for sale, rent or trade any article or thing, or place any stand, cart or vehicle for the transport, sale or display of any food, drink, article or merchandise, or engage in any commercial activity for compensation, or solicit any business within the limits of any park or recreation area. Where this vending or selling occurs in Grace Shrader Park, the concession will be awarded according to item 10B of the Grace Shrader Park operating agreement. (as added by Ord. #01/02-13, April 2002)

20-318. Domestic animals. No person shall bring into, or be responsible for bringing into, or allow to remain in any park or park area, any unleashed dogs, cats or other animals belonging to that person or in his/her possession, custody or control. However, nothing herein contained shall be construed as permitting the running of dogs at large. No animals of any kind shall be allowed on any recreational field or playground, unless required under the Americans with Disabilities Act. (as added by Ord. #01/02-13, April 2002)

20-319. Game and sport activity. No person shall play or engage or participate in any game, sport or recreation activity upon property used, maintained or occupied by the town at any time when there is posted on such property in a reasonably conspicuous place and manner, an appropriately worded sign prohibiting any such game, sport or recreation activity. (as added by Ord. #01/02-13, April 2002)

20-320. Food preparation and cooking. (1) No person shall build, light or cause to be lighted any fire upon the ground or other object in any area except as specifically designated and in an approved grill, stove, fireplace or other suitable container, nor shall any person starting a fire leave the area without extinguishing the fire.

(2) No person shall use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table or any other object of park property.

(3) **Coolers are permitted in designated areas only and are NOT permitted in the areas immediately around the ball fields, bleachers, concession stands, or in the parking area immediately adjacent to the concession stands.** (as added by Ord. #01/02-13, April 2002)

20-321. Regulation and control. The public works department employees will regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of

all. If the facilities are crowded, persons holding activities in any park picnic area, building or structure will avoid using same to the exclusion of others for an unreasonable time, the determination of which is unreasonable being at the discretion of the public works director or his designee. Use of the individual fireplaces together with tables and benches follows generally the rule of first come, first served. (as added by Ord. #01/02-13, April 2002)

20-322. State and local traffic regulations apply. The provisions of the state statutes governing and regulating the operation, maintenance and control of motor vehicles and traffic ordinances contained in the town code are adopted by reference into this chapter shall apply uniformly to and within the confines of all parks and recreation facility areas and the roadways, drives and parking areas appurtenant thereto, the same as if they were public streets, highways and areas, whether they are public or private or semiprivate in nature. All persons within the confines of park and recreation facility areas shall at all times fully comply with all such motor vehicle statutes and ordinances, as aforesaid. (as added by Ord. #01/02-13, April 2002)

20-323. Obedience to traffic signs. All persons shall observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all other signs posted for proper control of traffic and for the safety of persons and property. (as added by Ord. #01/02-13, April 2002)

20-324. Enforcement of traffic regulations. All persons shall obey all traffic officers and public works employees; such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks, highways, streets or roads immediately adjacent thereto. (as added by Ord. #01/02-13, April 2002)

20-325. Use of vehicles. (1) No operator of a vehicle shall tow another vehicle on park roads, except when the towed vehicle is used in transporting a boat into a marina/dock areas or other designated area, or when necessary to remove a disabled vehicle, or in the towing of motorized bikes or special event trailers or wheeled vehicles or otherwise permitted by the director, the codes enforcement officer, or by the chief of police.

(2) No person shall change any parts of or repair, wash or grease a vehicle on any park roadway, parkway, driveway, parking lot or other park property. (as added by Ord. #01/02-13, April 2002)

20-326. Speed of vehicles. No person shall operate or drive a vehicle in any park area at a rate of speed in excess of 15 miles per hour, except upon such road as the board of mayor and alderman may designate by posted signs for a speedier travel. (as added by Ord. #01/02-13, April 2002)

20-327. Vehicles confined to designated areas. No person shall drive any vehicle on any area except the paved park roads provided therefor, designated parking areas or such other areas as may on occasion be specifically designated as travel or parking areas by the director, or in corporation with the police department operations or as directed by the chief of police. (as added by Ord. #01/02-13, April 2002)

20-328. Parking regulations. No person shall park a vehicle in other than an established or designated parking area and such use shall be in accordance with the posted directions there displayed and with the instructions of any attendant who may be present. (as added by Ord. #01/02-13, April 2002)

20-329. Parking during authorized hours. No vehicles shall park or remain in a parking area established in conjunction with a park and recreation facility beyond the hours of operation established for the facility unless otherwise posted. Operators of vehicles having mechanical breakdowns or operational failures shall immediately advise the traffic officers or appropriate public works employees of such circumstances and shall take further appropriate action necessary to insure that the vehicle will be removed from the parking area with all reasonable dispatch. No vehicle shall be permitted to remain in the parking areas after the closing hours thereof unless the express permissions of the director is first obtained. Vehicles in violations hereof shall be subject to citation and removal by the town and impounded until such time as redeemed at the owner's expense. (as added by Ord. #01/02-13, April 2002)

20-330. Application for reserving facilities. Facilities may be reserved and used upon an application for use on a specific date. Such application shall be filed with the town recorder and signed by the president or chairperson of the organization. A liability agreement must be signed by the organization upon receipt of the application. (as added by Ord. #01/02-13, April 2002)

20-331. Penalty. Any person who shall violate any provision of this chapter, upon being found guilty, shall be punished according to law, pursuant to the general penalty provisions of the code of the Town of Dandridge.

Where this chapter overlaps the Grace Shrader Park operating agreement, the park management committee supports this chapter, and delegates administrative authority, for issues in this chapter, to the director. The park management committee reserves the right to change that delegation. (as added by Ord. #01/02-13, April 2002)