

**THE
DANDRIDGE
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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TOWN OF DANDRIDGE, TENNESSEE

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VICE MAYOR

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ALDERMEN

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TOWN ADMINISTRATOR

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TOWN RECORDER

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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 § 2-106.

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team: Kelley Myers, Sandy Selvage and Nancy Gibson is gratefully acknowledged.

Codification Consultant

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

SECTION 12. Be it further enacted, that the Board shall have the management and control of the city finances and all property of the corporation, real, personal, and mixed, and shall have the power by ordinance or resolution, after two (2) readings by the board, to..... (Priv. Acts 2015, ch. 22, § 7)

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

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.

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.

Ordinances: § 12.

Qualifications: § 4.

Resolutions: § 12.

Term of office: § 3.

- 1-111. Reports, resolutions, etc., to be filed, etc.
- 1-112. Appointment of special committees.
- 1-113. Occupation of floor restricted to members generally.
- 1-114. Transaction of business at special meetings limited.
- 1-115. Suspension of rules.
- 1-116. Absence of standing rule.
- 1-117. Vacancies.
- 1-118. Salary of mayor and aldermen.
- 1-119. Replacement of appointed personnel.
- 1-120. Non-resident voting by absentee ballot.

1-101. Meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M., on the second Tuesday of each month at the public works/police department building, 267 West Highway 25/70. Special meetings may be called by the mayor or any two (2) aldermen. (1995 Code, § 1-101, modified)

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 vice mayor shall preside. If both the mayor and vice-mayor are 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. (1995 Code, § 1-102, modified)

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 vice mayor 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 vice-mayor 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. (1995 Code, § 1-103, modified)

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 Thursday 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. (1995 Code, § 1-104, modified)

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 aldermen 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 (3) 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. (1995 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. (1995 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. (1995 Code, § 1-107)

1-108. Passage of ordinances. All ordinances shall have two (2) separate readings; however, the second 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. (1995 Code, § 1-108, modified)

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. (1995 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. (1995 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. (1995 Code, § 1-111)

1-112. Appointment of special committees. Unless otherwise directed by the board of mayor and aldermen, all special committees shall be appointed by the presiding officer. (1995 Code, § 1-112)

1-113. 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. (1995 Code, § 1-114)

1-114. Transaction of business at special meetings limited. No business shall be transacted at any special meeting except that for which the meeting was called. (1995 Code, § 1-115, modified)

1-115. 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. (1995 Code, § 1-116)

1-116. 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*. (1995 Code, § 1-117)

1-117. Vacancies. In the case of a vacancy in the office of mayor, the vice-mayor shall serve as mayor until the next regular municipal election. The board of mayor and aldermen shall fill any vacancies which occur in the office of the vice-mayor or aldermen 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.

1-118. Salary of mayor and aldermen. The salary of each alderman shall be one hundred fifty dollars (\$150.00) per month and the salary of the mayor shall be one thousand three hundred fifty dollars (\$1,350.00) per month. (Ord. #16/17-02, Aug. 2016)

1-119. Replacement of appointed personnel. There shall be a vote by the board of mayor and aldermen, which shall take place at least once annually to retain or replace any personnel in a position or as an officer of the town which serves by the appointment of the board of mayor and aldermen. Said vote by the board of mayor and aldermen shall take place at the August regularly scheduled meeting of said board or as soon thereafter as is practical. Said offices where personnel are to be determined for retention or replacement shall include, but not be limited to town judge, town attorney and town administrator. Nothing contained herein shall prohibit the board of mayor and aldermen at any other time during the year from replacing any of said officers either appointed or approved at the above referenced August meeting of the board of mayor and aldermen. (Ord. #11/12-19, July 2012, modified)

1-120. Non-resident voting by absentee ballot. All persons authorized to vote in the Town of Dandridge municipal elections pursuant to the provisions of the Town of Dandridge Charter and the municipal code shall cast their municipal ballots through the mail as an absentee vote as authorized by Public Chapter 412 codified as *Tennessee Code Annotated*, § 2-6-205. (Ord. #89/19-11, May 2019)

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 those powers and duties as prescribed by the municipal charter. (1995 Code, § 1-201, modified)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1995 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. (1995 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.

1-301. 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/her office. (1995 Code, § 1-301, modified)

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. (1995 Code, § 1-302)

¹Charter references

Bond: § 4.

Compensation: § 8.

Powers: § 8.

CHAPTER 4

CODE OF ETHICS

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #06/07-04, May 2007)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board nor otherwise regulated by state statutes on conflicts of interests; or,
- (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #06/07-04, May 2007)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official shall recuse himself from voting on the measure. (Ord. #06/07-04, May 2007)

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #06/07-04, May 2007)

1-405. Acceptance of gratuities. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #06/07-04, May 2007)

1-406. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #06/07-04, May 2007)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #06/07-04, May 2007)

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (Ord. #06/07-04, May 2007)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (Ord. #06/07-04, May 2007)

1-410. Ethics complaints. (1) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation, the violation shall be dealt with as a

violation of the personnel provisions rather than as a violation of this code of ethics. (Ord. #06/07-04, May 2007, modified)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #06/07-04, May 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. MEMBERSHIP AND APPOINTMENT.
2. HISTORICAL PROPERTY REVIEW BOARD.
3. DESIGN REVIEW COMMISSION.

CHAPTER 1

MEMBERSHIP AND APPOINTMENT

SECTION

- 2-101. Members appointment.
- 2-102. Ex officio members.
- 2-103. Attendance.
- 2-104. Workshop committee.
- 2-105. Residency requirements.

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 Aldermen. (1995 Code, § 2-101)

2-102. Ex officio members. Each Dandridge Board and Commission shall have at least one (1) member of the board of mayor and aldermen 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 aldermen. (1995 Code, § 2-102)

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 (1) year period shall be subjected to removal from said board or commission by majority vote of the board of mayor and aldermen. (1995 Code, § 2-103)

2-104. Workshop committee. The mayor shall nominate and the board of mayor and aldermen shall appoint, by majority vote, a citizen or citizens who are eligible to vote in the town's municipal elections to serve on workshop committee(s). The workshop committees shall be established as an ongoing committee to assist and work with the entire board of mayor and aldermen on

a regular basis or for a specifically designated project. The term of each workshop committee member shall be two (2) years or when a specifically designated project is completed, whichever occurs first.

Each workshop committee member shall provide input into the specific issues of the committee; voice concerns of the citizens or themselves of the enactment or enforcement of ordinances; policies and procedures, and regulations; and participate in submitting verbal or written reports to the board of mayor and aldermen upon request. Any member or members of the board of mayor and aldermen may be nominated and appointed to a workshop committee.

At no time shall any workshop committee submit a proposal to any form of vote. Reports to the board of mayor and aldermen shall contain all ideas, recommendations and/or findings of said committee.

The board of mayor and aldermen workshop committee shall consist of the mayor, members of the board of mayor and aldermen, and no more than four (4) private citizens of the town, with the mayor and board of mayor and aldermen members serving the term they are elected or appointed to serve in that office. (Ord. #04/05-05, Aug. 2004)

2-105. Residency requirements. A person appointed by the mayor and/or board of aldermen for the Town of Dandridge to serve as a member of any commission or board within the town which is not exempted from a residency requirement by another ordinance, shall be a resident of the Town of Dandridge and shall be ineligible to serve as an appointed commissioner or board member should they change their residence to a location outside the town. (Ord. #05/06-17, March 2006)

CHAPTER 2

HISTORICAL PROPERTY REVIEW BOARD¹

SECTION

2-201. Created.

2-202. Property tax exemption.

2-201. Created. There is hereby created a historic property review board which shall consist of seven (7) members who shall be the same persons comprising of the Historic Planning Commission for the Town of Dandridge and said board shall be appointed by the mayor of the town and said board shall formulate criteria for certification of historic properties with the assistance of the Tennessee Historical Commission and subject to review and comment by the state preservation officer along with all other duties contained in *Tennessee Code Annotated*, § 67-5-218. (Ord. #07/08-08, Oct. 2007)

2-202. Property tax exemption. There is further hereby created the right for property tax exemption for historic property rehabilitation as allowed in *Tennessee Code Annotated*, § 67-5-218 and the standards for said exemption and its duration shall be those set forth in *Tennessee Code Annotated*, § 67-5-218. (Ord. #07/08-08, Oct. 2007)

¹Historic District Design Guidelines for the Town of Dandridge (and any amendments) are available in the office of the recorder.

CHAPTER 3

DESIGN REVIEW COMMISSION

SECTION

2-301. Creation and purpose.

2-302. Number and term of commissioners.

2-303. Appeals.

2-301. Creation and purpose. A design review commission is hereby established. The purpose of the commission is to develop guidelines and develop procedures for the approval of the exterior appearance of all nonresidential property, multiple family residential property and entrances to a nonresidential development within the town's corporate limits. (Ord. #08/09-09, Sept. 2008)

2-302. Number and term of commissioners. The board of mayor and aldermen shall create a five (5) member design review commission which shall consist of an architect, preservationist, landscape architect, and two (2) town residents. Three (3) initial members shall serve two (2) year terms and two (2) initial members shall serve one (1) year terms. (Ord. #08/09-09, Sept. 2008)

2-303. Appeals. Any person aggrieved by a decision of the design review commission may appeal the decision to the Dandridge Regional Planning Commission by having their request for an appeal placed on the regional planning commission's agenda by the second Tuesday of the month following the design review commission's decision. (Ord. #08/09-09, Sept. 2008)

TITLE 3**MUNICIPAL COURT****CHAPTER**

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

CHAPTER 1**TOWN JUDGE****SECTION**

3-101. Town judge.

3-101. Town judge. A town judge shall be appointed by and shall receive a salary fixed by the board of mayor and aldermen. The town judge shall be a licensed attorney in the State of Tennessee. The town judge is hereby vested with the powers to try all offenses against the peace and dignity of the Town of Dandridge. If for any reason the judge is incompetent or absent, the mayor may try the case and decide the same with all the authority and power vested in the judge. In the event an appeal is taken from any fine imposed by the judge or mayor for the violation of any of its ordinances to the Circuit Court of Jefferson County, Tennessee, the person so appealing shall give bond and security for the payment of said fine and costs. The town judge shall be empowered to sign warrants for the arrest of individuals who violate the town's ordinances. Compensation for the town judge shall be set prior to appointment and shall not be modified during that term.

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. Litigation tax.

3-201. Maintenance of docket. The town judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; and all other information that may be relevant. (1995 Code, § 3-201, modified)

3-202. Imposition of fines and costs. All fines and costs¹ shall be imposed and recorded by the court clerk on the town court docket in open court.

In all cases heard or determined by him, the town judge shall tax in the bill of costs. (1995 Code, § 3-202, modified)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the court clerk 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. (1995 Code, § 3-203, modified)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises. (1995 Code, § 3-204, modified)

3-205. Litigation tax. A local litigation tax in the sum of thirteen dollars and seventy-five cents (\$13.75) per offense charged is and shall be levied on any case involving judicial action in the town's municipal court over and above the cost currently associated with and levied on each charge. (Ord. #12/13-08, March 2013, modified)

¹Ordinance #17/18-06 regarding court costs and fines, and any amendments thereto, may be found in the recorder's office.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may in his discretion, issue a summons ordering the alleged offender personally to appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town 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. (1995 Code, § 3-302, modified)

3-302. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1995 Code, § 3-303)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1995 Code, § 3-402)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in the sum of two hundred 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. (1995 Code, § 3-403, modified)

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

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. MISCELLANEOUS PERSONNEL REGULATIONS.
2. TRAVEL REIMBURSEMENT REGULATIONS.
3. ALCOHOL AND DRUG POLICY.
4. PERSONNEL HANDBOOK.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

MISCELLANEOUS PERSONNEL REGULATIONS¹

SECTION

- 4-101. Business dealings.
- 4-102. Political activity.
- 4-103. Strikes and unions.
- 4-104. Insurance for early retirees.

4-101. 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. (1995 Code, § 4-201)

4-102. 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. The prohibition applies only when the employee is on duty. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1995 Code, § 4-204, modified)

4-103. 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. (1995 Code, § 4-207)

¹Municipal code reference

Code of ethics: §§ 1-405, 1-407, 1-409, 1-410.

4-104. 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 may opt 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.

(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. (1995 Code, § 4-209, modified)

CHAPTER 2

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-201. Purpose.
- 4-202. Enforcement.
- 4-203. Travel policy.
- 4-204. Travel reimbursement rate schedule.
- 4-205. Administrative procedures.

4-201. Purpose. The purpose of this chapter and referenced regulations is to bring the town into compliance with *Tennessee Code Annotated*, § 6-54-901 to 907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. #07/08-16, March 2008)

4-202. Enforcement. Town Administrator (TA) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #07/08-16, March 2008)

4-203. 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 TA. 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 are not 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 TA 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:

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

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

The TA may make exceptions for unusual circumstances.

(c) Expenses considered excessive won't be allowed.

(7) Claims of five dollars (\$5.00) 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. #07/08-16, March 2008)

4-204. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #07/08-16, March 2008)

4-205. 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. A copy of the administrative procedures is on file in the office of the town recorder and in the town's personnel handbook. (Ord. #07/08-16, March 2008)

CHAPTER 3

ALCOHOL AND DRUG POLICY

SECTION

- 4-301. Purpose.
- 4-302. Policy.
- 4-303. General procedures.
- 4-304. Opportunity to contest or explain test results.
- 4-305. Confidentiality.
- 4-306. Job applicant drug testing.
- 4-307. Employee drug testing.
- 4-308. Alcohol testing.
- 4-309. Refusal to submit.
- 4-310. Important information for job applicants and employees.
- 4-311. Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs.

4-301. Purpose. The Town of Dandridge is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any town employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. (Ord. #17/18-03, Jan. 2018)

4-302. Policy. The Town of Dandridge has established the following policy, pursuant to *Tennessee Code Annotated*, § 50-0-100 *et. seq.*:

(1) It is a violation of town policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.

(2) It is a violation of town policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.

(3) It is a violation of town policy for any employee to report to work under the influence of or impaired by alcohol.

(4) It is a violation of the town policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

(5) Violations of this policy are subject to disciplinary action up to and including termination.

It is the responsibility of the town's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee

has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about viable resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the Town of Dandridge.

As a condition of employment, employees must abide by the terms of this policy and must notify the town in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

The town offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file; which is located at town hall with the HR clerk. In addition, we will distribute this information to employees for their confidential use. (Ord. #17/18-03, Jan. 2018)

4-303. General procedures. Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible, the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by a safe transportation alternative--depending on the determination of the observed impairment-- and accompanied by the supervisor or another employee, if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive. (Ord. #17/18-03, Jan. 2018)

4-304. Opportunity to contest or explain test results. Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer; if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the company; a person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor. (Ord. #17/18-03, Jan. 2018)

4-305. Confidentiality. The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law. (Ord. #17/18-03, Jan. 2018)

4-306. Job applicant drug testing. All job applicants of the Town of Dandridge will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by the town, and by signing a consent agreement, will release the town from liability.

If the physician, official or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

The town will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that the town will not tolerate. (Ord. #17/18-03, Jan. 2018)

4-307. Employee drug testing. The Town of Dandridge has adopted testing practices to identify employees who illegally use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

(1) When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

(a) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;

(b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

(c) A report of substance abuse provided by a reliable and credible source;

(d) Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;

(e) Information that an employee has caused or contributed to an accident while at work; or

(f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

(2) When employees have caused or contributed to an on-the-job injury that resulted in a loss of work-time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. An employer may send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to town property occurs.

(3) As part of a follow-up program to treatment for drug abuse.

(4) Routine fitness-for-duty drug or alcohol testing. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, are part of the covered employer's established policy, or one that is scheduled routinely for all members of an employment classification group. (Ord. #17/18-03, Jan. 2018)

4-308. Alcohol testing. The consumption or possession of alcoholic beverages on the town's premises is prohibited. An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests eight tenths (.08%) by weight for non-safety sensitive positions, or four tenths (.04%) for safety sensitive positions, while on duty/town business shall be guilty of misconduct, and shall be subject to discipline up to and including termination. (Ord. #17/18-03, Jan. 2018)

4-309. Refusal to submit. Failure to submit to a required substance abuse test also is misconduct and also shall be subject to discipline up to and including termination. (Ord. #17/18-03, Jan. 2018)

4-310. Important information for job applicants and employees. When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The information form should be kept by the job applicant or employee for their personal use. If the job applicant or employee has a positive confirmed test result, a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder"

to discuss this information at that time. The medical review officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and non-prescription medicine.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to *Tennessee Code Annotated*, § 50-9-100 *et. seq.*, drug-free workplace programs.

The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal to the applicable court. (Ord. #17/18-03, Jan. 2018)

4-311. Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs.

| | |
|---------------------------|--|
| Alcohol: | Not required for job applicant testing. |
| Any "alcoholic beverage": | All liquid medications containing ethyl alcohol (ethanol). Please read the label for content. For example; Vicks Nyquil™ is twenty-five percent (25%) (fifty (50) proof) ethyl alcohol, Comtrex™ is twenty percent (20%) (forty (40) proof), Contac Severe Cold Formula Night Strength™ is twenty-five percent (25%) (fifty (50) proof), and Listerine™ is twenty-six and nine-tenths percent (26.9%) (fifty-four (54) proof). |
| Amphetamines: | "speed," "uppers," etc. |
| Cannabinoids: | THC, marijuana, hashish, "pot," "grass," "hash," etc. |
| Cocaine: | "Coke/ "crack," etc. |
| Phencyclidine: | PCP, "angel dust." |
| Opiates: | Narcotics, heroin, codeine, morphine, "smack, dope, etc." |

(Ord. #17/18-03, Jan. 2018)

CHAPTER 4

PERSONNEL HANDBOOK¹

SECTION

4-401. Personnel regulations.

4-401. Personnel regulations. Ordinance #12/13-05 (Dec. 2012) shall be known as the "Town of Dandridge Personnel Handbook." (modified)

¹The Town of Dandridge Personnel Handbook and related schedules and forms (and amending resolutions) may be viewed in the office of the recorder.

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-501. Purpose.
- 4-502. Coverage.
- 4-503. Standards authorized.
- 4-504. Variances from standards authorized.
- 4-505. Administration.
- 4-506. Funding the program.

4-501. Purpose. The Town of Dandridge, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

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

- (a) Top management commitment and employee involvement;
- (b) Continually analyze the worksite to identify all hazards and potential hazards;
- (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
- (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

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

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Ord. #12/13-10, June 2013)

4-502. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Dandridge shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Dandridge whether part-time or full-time, seasonal or permanent. (Ord. #12/13-10, June 2013)

4-503. Standards authorized. The occupational safety and health standards adopted by the Town of Dandridge are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (*Tennessee Code Annotated*, title 50, chapter 3). (Ord. #12/13-10, June 2013)

4-504. Variances from standards authorized. The Town of Dandridge may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by *Tennessee Code Annotated*, title 50. Prior to requesting such temporary variance, the Town of Dandridge shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on a main bulletin board as designated by the Town of Dandridge shall be deemed sufficient notice to employees. (Ord. #12/13-10, June 2013)

4-505. Administration. For the purposes of this chapter, the town recorder is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer for the Town of Dandridge. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #12/13-10, June 2013)

4-506. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Town of Dandridge. (Ord. #12/13-10, June 2013)

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE AND BUSINESS TAXES GENERALLY.
3. WHOLESALE BEER TAX.
4. PURCHASING.
5. DEBT MANAGEMENT POLICY.
6. OCCUPANCY TAX.

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. (1995 Code, § 5-101)

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

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 one half of one percent (1/2 of 1%) and interest of one percent (1%) shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.¹ (1995 Code, § 5-102)

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. (1995 Code, § 5-201)

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 personnel as appointed by town administrator to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1995 Code, § 5-202, modified)

CHAPTER 3

WHOLESALE BEER AND ALCOHOL TAX**SECTION**

5-301. Wholesale beer tax to be collected.

5-302. Beverages and wine inspection fee.

5-301. Wholesale beer tax 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 (1995 Code, § 5-301)

5-302. Beverage and wine inspection fee. There is hereby created pursuant to *Tennessee Code Annotated*, § 57-3-501 an inspection fee in the amount of eight percent (8%) upon the wholesale price of alcoholic beverages supplied by a wholesaler to retail locations and retail food store wine licensees in municipality.

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of seventeen percent (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 \$4,001.00--\$9,999.99.
- 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.

5-401. 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. (1995 Code, § 5-401)

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. (1995 Code, § 5-402)

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. (1995 Code, § 5-403)

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. (1995 Code, § 5-404)

5-405. Sealed bid requirements. On all purchases or contracts estimated to be in excess of ten thousand dollars (\$10,000.00) 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 aldermen at the next regularly scheduled meeting.

Notice inviting bids will be published in a newspaper of general circulation in Jefferson County, at least five (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. (Ord. #06/07-06, Sept. 2006)

5-406. Competitive bidding \$4,001.00–\$9,999.99. All purchases of supplies, equipment, services, and contracts estimated to be in excess of four thousand one dollars (\$4,001.00) but less than nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99) 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. (Ord. #06/07-06, Sept. 2006)

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. (1995 Code, § 5-407)

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. (1995 Code, § 5-408)

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. (1995 Code, § 5-409)

5-410. Statement when award not given to low bidder. When the award for purchases and contracts in excess of one thousand dollars (\$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. (1995 Code, § 5-410)

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. (1995 Code, § 5-411)

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. (1995 Code, § 5-412)

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. (1995 Code, § 5-413)

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 (1) vendor of a product or service within a reasonable distance of the town 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*, § 9-4-702.

(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 five hundred dollars (\$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. (1995 Code, § 5-414, modified)

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. (1995 Code, § 5-415)

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*. (1995 Code, § 5-416)

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 aldermen.

In the event that any provision of this chapter shall be construed to be in conflict herewith, the provisions of this section shall prevail. (1995 Code, § 5-417)

CHAPTER 5

DEBT MANAGEMENT POLICY¹

SECTION

- 5-501. Introduction.
- 5-502. Goals and objectives.
- 5-503. Definition of debt.
- 5-504. Authority and approval.
- 5-505. Transparency.
- 5-506. Credit quality and credit enhancement.
- 5-507. Affordability.
- 5-508. Debt structure.
- 5-509. Types and limits of debt.
- 5-510. Cost of debt.
- 5-511. Refinancing outstanding debt.
- 5-512. Methods of issuance.
- 5-513. Professional services.
- 5-514. Conflicts.
- 5-515. Compliance.
- 5-516. Debt policy review.

5-501. Introduction. This debt management policy (the "debt policy") is a written guideline with parameters that affect the amount and type of debt that can be issued by the Town of Dandridge, Tennessee (the "town"), the issuance process and the management of the town's debt. The purpose of this debt policy is to improve the quality of management and legislative decisions and to provide justification for the structure of debt issuances consistent with the debt policy's goals while demonstrating a commitment to long-term capital planning. It is also the intent of the town that this debt policy will signal to credit rating agencies, investors and the capital markets that the town is well managed and will always be prepared to meet its obligations in a timely manner. This debt policy fulfills the requirements of the State of Tennessee regarding the adoption of a formal debt management policy on or before January 1, 2012.

This debt policy provides guidelines for the town to manage its debt and related annual costs within both current and projected available resources while promoting understanding and transparency for our citizens, taxpayers, ratepayers, businesses, investors and other interested parties.

¹State law reference:

Tennessee Code Annotated, § 9-21-151.

In managing its debt, it is the town's policy to:

- (1) Achieve the lowest cost of capital within acceptable risk parameters.
- (2) Maintain or improve credit ratings.
- (3) Assure reasonable cost access to the capital markets.
- (4) Preserve financial and management flexibility.
- (5) Manage interest rate risk exposure within acceptable risk parameters. (Ord. #11/12-08, Nov. 2011)

5-502. Goals and objectives. Debt policies and procedures are tools that ensure that financial resources are adequate to meet the town's long-term capital planning objectives. In addition, the debt policy helps to ensure that financings undertaken by the town have certain clear, objective standards that allow the town to protect its financial resources in order to meet its long-term capital needs.

The debt policy formally establishes parameters for issuing debt and managing a debt portfolio which considers the town's specific capital improvement needs; ability to repay financial obligations; and, existing legal, economic, and financial market conditions. Specifically, the policies outlined in this document are intended to assist in the following:

- (1) To guide the town in policy and debt issuance decisions,
- (2) To maintain appropriate capital assets for present and future needs,
- (3) To promote sound financial management,
- (4) To protect the town's credit rating,
- (5) To ensure the town's debt is issued legally uoder applicable state and federal laws,
- (6) To promote cooperation and coordination with other parties in the financing, and
- (7) To evaluate debt issuance options. (Ord. #11/12-08, Nov. 2011)

5-503. Definition of debt. All obligations of the town to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of town resources. This includes but is not limited to tax-exempt or taxable bonds, capital outlay notes, other notes, capital leases, and loans of any type whether from an outside source such as a bank or from another internal fund. (Ord. #11/12-08, Nov. 2011)

5-504. Authority and approval. (1) The town will only issue debt by utilizing the statutory authorities provided by *Tennessee Code Annotated* as supplemented and revised ("TCA") and the Internal Revenue Code (the "code").

(2) The town will adhere to any lawfully promulgated rules and regulations of the state and those promulgated under the code. Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and

revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the board of mayor and aldermen prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or operating leases may be entered into by the town; with details on the lease agreement to be forwarded to the comptroller's office as may be required.

(3) All debt will be formally authorized by resolution of the board of mayor and aldermen as may be required by law. (Ord. #11/12-08, Nov. 2011)

5-505. Transparency. (1) The town shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All costs (including principal, interest, issuance, continuing, and one (1) time) shall be clearly presented and disclosed to the board of mayor and aldermen, citizens, and other stakeholders in a timely manner.

(3) The terms and life of each debt issue shall be clearly presented and disclosed to the board of mayor and aldermen, citizens, and other stakeholders in a timely manner.

(4) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the board of mayor and aldermen, citizens, and other stakeholders in a timely manner.

(5) The issuance of debt has various approvals and on occasion, written reports provided by the State of Tennessee Comptroller's Office either prior to adoption of resolutions authorizing such debt, prior to issuance, and/or following issuance. The town shall provide the Tennessee Comptroller's Office sufficient information on the debt to not only allow for transparency regarding the issuance, but also assuring that the comptroller's office has sufficient information to adequately report or approve any formal action related to the sale and issuance of debt. The town will also make this information available to the board of mayor and aldermen, citizens, and other stakeholders.

(6) The town will file its comprehensive annual financial report and any continuing disclosure document prepared by the town or its dissemination agent as may be required, and shall make available the same to all interested parties. (Ord. #11/12-08, Nov. 2011)

5-506. Credit quality and credit enhancement. The town's debt management activities will be conducted in order to maintain or receive the highest possible credit ratings. The town administrator and finance director in conjunction with any professionals that the town may chose to engage will be responsible for maintaining relationships and communicating with one (1) or more rating agencies.

The town will consider the use of credit enhancements on a case-by-case basis, evaluating the economic benefit versus cost for each case. Only when clearly demonstrable savings can be shown shall an enhancement be considered.

The town will consider each of the following enhancements as alternatives by evaluating the cost and benefit of such enhancements:

(1) Insurance. The town may purchase bond insurance when such purchase is deemed prudent and advantageous. The predominant determination shall be based on such insurance being less costly than the present value of the difference in the interest on insured bonds versus uninsured bonds.

(2) Letters of credit. The town may enter into a letter-of-credit ("LOC") agreement when such an agreement is deemed prudent and advantageous. The town or its professionals, if any, may seek proposals from qualified banks or other qualified financial institutions pursuant to terms and conditions that are acceptable to the town. (Ord. #11/12-08, Nov. 2011)

5-507. Affordability. The town shall consider the ability to repay debt as it relates to the total budget resources, the wealth and income of the community, and its property tax base and other revenues available to service the debt. The town may consider debt ratios and other benchmarks compared to its peers when analyzing its debt including materials published by the nationally recognized credit rating agencies. In the absence of extraordinary circumstances, the town will seek to limit total outstanding debt obligations secured by the full faith and credit of the town that is outstanding at any one (1) time to not more than ten percent (10%) of the total assessed value within the town limits, excluding overlapping debt, enterprise debt, and revenue debt. The town's total outstanding debt obligation will be monitored and reported to the board of mayor and aldermen on an annual basis through various schedules included in both the comprehensive annual financial report and annual budget. The town administrator and finance director shall monitor the maturities, terms, and conditions of all obligations to ensure compliance. The town administrator and finance director shall also report to the board of mayor and aldermen any matter that adversely affects the credit or financial integrity of the town. (Ord. #11/12-08, Nov. 2011)

5-508. Debt structure. The town shall establish all terms and conditions relating to the issuance of debt and will invest all bond proceeds pursuant to the terms of its investment policy, if any. Unless otherwise authorized by the town, the following shall serve as the debt policy for determining structure.

(1) Term. All capital improvements financed through the issuance of debt will be financed for a period not to exceed the useful economic life of the improvements and in consideration of the ability of the town to absorb such additional debt service expense. The term of debt shall be determined by, but not limited to, the economic life of the assets financed, conditions in the capital markets, the availability of adequate revenue streams to service the debt and the existing pattern of debt payable from such identifiable fund or enterprise

activity, but in no event will the term of such debt exceed forty (40) years, as outlined in *Tennessee Code Annotated*.

Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the town will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management. Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence.

(2) Capitalized interest. From time to time, certain financings may require the use of capitalized interest from the date of issuance until the town is able to realize beneficial use and/or occupancy of the financed project. Interest may be capitalized through a period permitted by law.

(3) Debt service structure. General obligation debt issuance shall be planned to achieve relatively net level debt service or level principal amortization considering the town's outstanding debt obligations, while matching debt service to the useful economic life of facilities. Absent events or circumstances determined by board of mayor and aldermen, the town shall avoid the use of bullet or balloon maturities (with the exception of sinking fund requirements required by term bonds) except in those instances where such maturities serve to make existing overall debt service level or match specific income streams. Debt which is supported by project revenues and is intended to be self-supporting should be structured to achieve level proportional coverage to expected available revenues.

(4) Call provisions. In general, the town's debt should include a call feature no later than ten (10) years from the date of delivery of the bonds. The town will avoid the sale of long-term debt which carries longer redemption features unless a careful evaluation has been conducted by the town administrator and finance director and/or professionals, if any, with respect to the value of the call option.

(5) Original issuance discount/premium. Debt with original issuance discount/premium will be permitted.

(6) Deep discount bonds. Deep discount debt may provide a lower cost of borrowing in certain capital markets. The town administrator and finance director and/or professionals, if any, should carefully consider their value and effect on any future refinancing as a result of the lower-than-market coupon. (Ord. #11/12-08, Nov. 2011)

5-509. Types and limits of debt. When the town determines that debt is appropriate, consideration of the security structure, duration, interest rate modes, zero coupon debt, and synthetic debt will be utilized to evaluate the type of debt to be issued.

(1) Security structure. (a) General obligation bonds. The town may issue debt supported by its full faith, credit, and unlimited ad valorem taxing power ("general obligation debt"). General obligation debt shall be used to finance capital projects that do not have significant independent

creditworthiness or significant on-going revenue streams or as additional credit support for revenue-supported debt, if such support improves the economics of the debt and is used in accordance with these guidelines.

(b) Revenue debt. The town may issue debt supported exclusively with revenues generated by a project or enterprise fund ("revenue debt"), where repayment of the debt service obligations on such revenue debt will be made through revenues generated from specifically designated sources. Typically, revenue debt will be issued for capital projects which can be supported from project or enterprisereLATED revenues.

(c) Capital leases. The town may use capital leases to finance projects assuming the town administrator and finance director and/or professionals, if any, determine that such an instrument is economically feasible.

(2) Duration. (a) Long-term debt. The town may issue long-term debt when it is deemed that capital improvements should not be financed from current revenues or short-term borrowings. Long-term debt will not be used to finance current operations or normal maintenance. Long-term debt will be structured such that financial obligations do not exceed the expected useful economic life of the project(s) financed.

(i) Serial and term debt. Serial and term debt may be issued in either fixed or variable rate modes to finance capital infrastructure projects.

(ii) Capital Outlay Notes ("CONs"). CONs may be issued to finance capital infrastructure projects with an expected life up to twelve (12) years.

(iii) Capitalized leases. Capitalized leases may be issued to finance infrastructure projects or equipment with an expected life not greater than its expected useful life.

(b) Short-term debt. Short-term borrowing may be utilized for:

(i) Financing short economic life assets;

(ii) The construction period of long-term projects;

(iii) For interim financing; or

(iv) For the temporary funding of operational cash flow deficits or anticipated revenues subject to the following policies:

(A) Bond Anticipation Notes ("BANs"). BANs, including commercial paper notes issued as BANs, may be issued instead of capitalizing interest to reduce the debt service during the construction period of a project or facility. The BANs shall not mature more than two (2) years from the date of issuance. BANs can be rolled in accordance with federal and state law. BANs shall mature within six (6) months after substantial completion of the financed facility.

(B) Revenue Anticipation Notes ("RANs") and Tax Anticipation Notes ("TANs"). RANs and TANs shall be issued only to meet cash flow needs consistent with a finding by bond counsel that the sizing of the issue fully conforms to federal IRS and state requirements and limitations.

(C) Lines of credit. Lines of credit shall be considered as an alternative to other short-term borrowing options. A line of credit shall only be structured to federal and state requirements.

(D) Interfund loans. Interfund loans shall only be used to fund operational deficiencies among accounts or for capital projects to be paid from current fiscal year revenues. Such interfund loans shall comply with state regulations and limitations.

(E) Other short-term debt. Other short-term debt including commercial paper notes, BANs, capitalized leases and CONs may be used when it provides an interest rate advantage or as interim financing until market conditions are more favorable to issue debt in a fixed or variable rate mode. The town will determine and utilize the most advantageous method for short-term borrowing. The town may issue short-term debt when there is a defined repayment source or amortization of principal.

(3) Interest rate modes. Debt will be issued with either a fixed, variable, or zero interest-bearing rate.

(a) Fixed rate debt. To maintain a predictable debt service schedule, the town may give preference to debt that carries a fixed interest rate.

(b) Variable rate debt. The targeted percentage of net variable rate debt outstanding (excluding an amount of debt considered to be naturally hedged to short-term assets in the unassigned general and/or debt service fund balance) shall not normally exceed thirty-five percent (35%) of the town's total outstanding debt and will take into consideration the amount and investment strategy of the town's operating cash.

The following circumstances may result in the consideration of issuing variable rate debt:

- (i) Asset-liability matching;
- (ii) Construction period funding;
- (iii) High fixed interest rates. Interest rates are above historic averages;
- (iv) Diversification of debt portfolio;
- (v) Variable revenue stream. The revenue stream for repayment is variable and is anticipated to move in the same

direction as market-generated variable interest rates or the dedication of revenues allows capacity for variability; and

(vi) Adequate safeguard against risk. Financing structure and budgetary safeguards are in place to prevent adverse impacts from interest rate shifts such structures could include, but are not limited to, interest rate caps and short-term cash investments in the town's general fund.

An analysis by the town administrator and finance director and/or professionals, if any, shall be conducted to evaluate and quantify the risks and returns associated with the variable rate debt including, but not limited to, a recommendation regarding the use of variable rate debt. The board of mayor and aldermen will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations prior to entering into any variable debt obligation. Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider or by a letter of credit provider, the board of mayor and aldermen shall also be informed of the potential effect on rates as well as any additional costs that might be incurred should either the insurance or letter of credit fail, respectively. The town will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The town may use its general obligation pledge with revenue bond issues when the populations served by the revenue bond projects overlap or significantly are the same as the property tax base of the town. The board of mayor and aldermen and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the town's general fund.

(4) Zero coupon debt. Zero coupon debt may be used if an analysis has been conducted by the town administrator and finance director and/or professionals, if any, and the risks and returns associated with the zero coupon debt have been made. The analysis shall include, but not be limited to a recommendation regarding the use of zero coupon debt as the most feasible instrument considering available revenues streams, the need for the project and other factors determined by board of mayor and aldermen.

(5) Synthetic debt. The town will not enter into any new interest rate swaps or other derivative instruments unless it adapts a debt derivative policy consistent with the requirements of *Tennessee Code Annotated* and only after approval of the state comptroller's office and affirmative action of board of mayor and aldermen. (Ord. #11/12-08, Nov. 2011)

5-510. Cost of debt. (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest,

principal, and fees or charges) shall be disclosed prior to action by the board of mayor and aldermen in accordance with the notice requirements stated above.

(2) In cases of variable interest or non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded (i.e. general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes). (Ord. #11/12-08, Nov. 2011)

5-511. Refinancing outstanding debt. The town administrator and finance director, in conjunction with professionals, if any, shall have the responsibility to analyze outstanding debt for refunding opportunities. The decision to refinance must be explicitly approved by board of mayor and aldermen, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations. The town administrator and finance director will consider onerous restrictions, restructuring for economic purposes, term, escrow saving, and arbitrage when analyzing possible refunding opportunities.

(1) Onerous restrictions. Debt may be refinanced to eliminate onerous or restrictive covenants or restrictions contained in existing debt documents.

(2) Restructuring for economic purposes. The town may also refund debt when it is in its best financial interest to do so. Such a refunding will be limited to restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, release reserve funds, or any other reason approved by board of mayor and aldermen in its discretion.

(3) Term of refunding issues. Normally, the town will refund debt equal to or within its existing term. However, the town administrator and finance director may consider maturity extension, when necessary to achieve desired outcomes, provided that such extension is legally permissible and it is approved by the board of mayor and aldermen. The town administrator and finance director may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful economic life of the financed facility and the concept of inter-generational equity should guide these decisions.

(4) Escrow structuring. The town shall utilize the least costly securities available in structuring refunding escrows. In the case of open market securities, a certificate will be provided by a third party agent, who is not a broker-dealer stating that the securities were procured through an arms-length, competitive bid process, that such securities were more cost effective than State and Local Government Obligations (SLGS), and that the price paid for the securities was reasonable within federal guidelines. In cases where taxable debt is involved, the town administrator and finance director, with the approval of

bond counsel, may make a direct purchase as long as such purchase is the most efficient and least costly. Under no circumstances shall an underwriter, agent or any professionals sell escrow securities involving tax-exempt debt to the town from its own account.

(5) Arbitrage. The town shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. The town shall take all necessary steps to optimize escrows and to avoid negative arbitrage in its refunding. Any positive arbitrage will be rebated as necessary according to federal guidelines. (Ord. #11/12-08, Nov. 2011)

5-512. Methods of issuance. The town administrator and finance director may consult with a professional regarding the method of sale of debt. Subject to approval by board of mayor and aldermen, the town administrator and finance director will determine the method of issuance of debt on a case-by-case basis consistent with the options provided by prevailing state law.

(1) Competitive sale. In a competitive sale, the town's debt will be offered in a public sale to any and all eligible bidders. Unless bids are rejected, the debt shall be awarded to the bidder providing the lowest true interest cost as long as the bid adheres to the requirements set forth in the official notice of sale.

In a competitive sale, a financial advisor shall not be permitted to bid on an issue for which they are, or have been providing, advisory services for the issuance, unless otherwise authorized by applicable law and regulation.

(2) Negotiated sale. The town recognizes that some securities are best sold through a negotiated sale with an underwriter or group of underwriters. The town shall assess the following circumstances in determining whether a negotiated sale is the best method of sale:

- (a) State requirements on negotiated sales;
- (b) Debt structure which may require a strong pre-marketing effort such as those associated with a complex transaction generally referred to as a "story" bond;
- (c) Size or structure of the issue which may limit the number of potential bidders;
- (d) Market conditions including volatility wherein the town would be better served by the flexibility afforded by careful timing and marketing such as is the case for debt issued to refinance or refund existing debt;
- (e) Whether the debt is to be issued as variable rate obligations or perhaps as zero coupon debt;
- (f) Whether an idea or financing structure is a proprietary product of a single firm;
- (g) In a publicly offered or privately placed, negotiated sale, a financial advisor, if any, shall not be permitted to privately place or

underwrite an issue for which they are, or have been providing, advisory services for the issuance; and

(h) If there is an underwriter, the town shall require the underwriter to clearly identify itself in writing (e.g., in a response for request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the town with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's length commercial transaction and that it has financial and other interests that differ from those of the town. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the town in advance of the pricing of the debt.

(3) Private placement. From time to time, the town may elect to privately place its debt. Such placement shall only be considered if this method is demonstrated to be advantageous to the town. (Ord. #11/12-08, Nov. 2011)

5-513. Professional services. As needed, the town may select professionals to assist in its debt issuance and administration processes. In selecting professionals, consideration should be given with respect to:

(1) Relevant experience with municipal government issuers and the public sector;

(2) Indication that the firm has a broadly based background and is therefore capable of balancing the town's overall needs for continuity and innovation in capital planning and debt financing;

(3) Experience and demonstrated success as indicated by its experience;

(4) The firm's professional reputation;

(5) Professional qualifications and experience of principal employees; and

(6) The estimated costs, but price should not be the sole determining factor.

The town shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the town and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(7) Counsel. The town shall enter into an engagement letter agreement with each lawyer or law firm representing the town in a debt transaction. No engagement letter is required for any lawyer who is an employee of the town or lawyer or law firm which is under a general appointment or contract to serve as counsel to the town. The town does not need an engagement letter with counsel not representing the town, such as underwriters' counsel.

(8) Financial advisor. The town shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions. (Ord. #11/12-08, Nov. 2011)

5-514. Conflicts. (1) Professionals involved in a debt transaction hired or compensated by the town shall be required to disclose to the town existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the town to appreciate the significance of the relationships.

(2) Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (Ord. #11/12-08, Nov. 2011)

5-515. Compliance. (1) Continuing annual disclosure. Normally at the time debt is delivered, the town will execute a continuing disclosure certificate in which it will covenant for the benefit of holders and beneficial owners of the publically traded debt to provide certain financial information relating to the town by not later than twelve (12) months after each of the town's fiscal years, (the "annual report" and provide notice of the occurrence of certain enumerated events). The annual report will be filed with the Municipal Securities Rulemaking Board (MSRB) through the operation of the Electronic Municipal Market Access system ("EMMA") and any State Information Depository established in the State of Tennessee (the "SID"). If the town is unable to provide the annual report to the MSRB and any SID by the date required, notice of each failure will be sent to the MSRB and any SID on or before such date. The notices of certain enumerated events will be filed by the town with the MSRB through EMMA and any SID. The specific nature of the information to be contained in the annual report or the notices of significant events is provided in each continuing disclosure certificate. These covenants are made in order to assist underwriters in complying with SEC rule 15c2-12(b) (the "rule").

(2) Arbitrage rebate. The town will also maintain a system of record keeping and reporting which complies with the arbitrage rebate compliance requirements of the Internal Revenue Code (the "code").

(3) Records. The town will also maintain records required by the code including, but not limited to, all records related to the issuance of the debt including detailed receipts and expenditures for a period up to six (6) years following the final maturity date of the debt or as required by the code. (Ord. #11/12-08, Nov. 2011, modified)

5-516. Debt policy review. The guidelines outlined herein are only intended to provide general direction regarding the future issuance of debt. The town maintains the right to modify this debt policy and may make exceptions to any of its guidelines at any time to the extent that the execution of such debt achieves the goals of the town as long as such exceptions or changes are consistent with *Tennessee Code Annotated* and any rules and regulations promulgated by the state. The town administrator is responsible for ensuring substantial compliance with this debt policy. (Ord. #11/12-08, Nov. 2011)

CHAPTER 6

OCCUPANCY TAX

SECTION

- 5-601. Definitions.
- 5-602. Levy of tax.
- 5-603. Tax added to room invoice.
- 5-604. Remittance to town recorder.
- 5-605. Offer to absorb tax prohibited.
- 5-606. Penalties and interest for delinquency.
- 5-607. Records.
- 5-608. Administration.
- 5-609. Expending and distributing tax.
- 5-610. Tax is additional tax.
- 5-611. Rules and regulations.

5-601. Definitions. For the purpose of this chapter, the following definitions shall apply:

(1) "Consideration" means the consideration charged whether or not received for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" means any structure, or any portion of a structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use of possession, or the right to the use of possession, of any room, lodgings or accommodations in any hotel.

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(6) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the municipality tourists, visitors and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area for the same

purposes. It also means the acquisition, construction and remodeling of facilities useful in the attraction and promoting of tourism, conventions, and recreational business.

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days. (Ord. #15/16-11, June 2016)

5-602. Levy of tax. There is hereby levied a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of two percent (2%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinafter provided. (Ord. #15/16-11, June 2016)

5-603. Tax added to room invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the Town of Dandridge. (Ord. #15/16-11, June 2016)

5-604. Remittance to town recorder. The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the town recorder. Said tax to be remitted to such officer not later than the 20th day of each month next following collection from the transient. (Ord. #15/16-11, June 2016)

5-605. Offer to absorb tax prohibited. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added; any part will be refunded. (Ord. #15/16-11, June 2016)

5-606. Penalties and interest for delinquency. Taxes collected by an operator which are not remitted to the town recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor. The fine shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the town recorder. (Ord. #15/16-11, June 2016)

5-607. Records. It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the town recorder shall have the right to inspect at all reasonable times. (Ord. #15/16-11, June 2016)

5-608. Administration. In administering and enforcing the provisions of this chapter, the town recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in *Tennessee Code Annotated*, title 67, or otherwise provided by law. (Ord. #15/16-11, June 2016)

5-609. Expending and distributing tax. The proceeds from the tax levied herein shall be used solely to promote tourism in the town and for no other purposes . (Ord. #15/16-11, June 2016)

5-610. Tax is additional tax. The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied. (Ord. #15/16-11, June 2016)

5-611. Rules and regulations. The town recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws, for the enforcement of the provisions of this chapter and the collection of revenues hereunder.

Further, the town recorder shall design, prepare, print and make available to all persons who are subject to this chapter, all necessary forms for filing returns and instructions to insure full compliance with the provisions of this chapter. (Ord. #15/16-11, June 2016)

TITLE 6**LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST****SECTION**

- 6-101. Chief of police.
- 6-102. Police officers to preserve law and order, etc.
- 6-103. Police officers to wear uniforms and be armed.
- 6-104. When police officers to make arrests.
- 6-105. Police officers 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 town administrator and shall serve at will. 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. (1995 Code, § 6-101, modified)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the town. They shall patrol the town and shall assist the town court during the trial of cases. Police officers shall also promptly serve any legal process issued by the town court. (1995 Code, § 6-102)

6-103. Police officers to wear uniforms and be armed. All police officers 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. (1995 Code, § 6-103)

6-104. When police officers 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 police officer in the following cases:

¹Municipal code reference

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

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1995 Code, § 6-104)

6-105. Police officers may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a police officer in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (1995 Code, § 6-105)

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 a court of competent jurisdiction or allowed to post bond. When the arrested person is drunk or when the town judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1995 Code, § 6-106, modified)

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 police officers.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1995 Code, § 6-107)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. VOLUNTEER FIRE DEPARTMENT COST RECOVERY.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be the corporate limits of the town. (1995 Code, § 7-101, modified)

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

CHAPTER 2

FIRE CODE¹

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. Modifications.
- 7-208. Location for the sale of fireworks.
- 7-209. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *NFPA-1Uniform Fire Code*,² 2003 edition or any subsequent edition, with all appendixes, is hereby adopted by reference and included as a part of this code. 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. (Ord. #04/05-19, April 2005, modified)

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. (1995 Code, § 7-202)

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. (1995 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in 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.

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA.

The limits referred to in 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 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 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. (1995 Code, § 7-204, modified)

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. (1995 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. (1995 Code, § 7-206)

7-207. 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. (1995 Code, § 7-208)

7-208. Location for the sale of fireworks. (1) Any fireworks sold within the corporate limits of the town shall take place only in a permanent structure which meets the prevailing fire and building codes for the town.

(2) No fireworks shall be sold within the corporate limits of the town from any temporary structure, accessory structure or any tent. (Ord. #14/15-02, Aug. 2014)

7-209. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with

such an order as affirmed or modified by the 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 town code shall not be held to prevent the enforced removal of prohibited conditions. (1995 Code, § 7-207)

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 police officers.
- 7-310. Fire prevention inspection.

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. (1995 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. (1995 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. (1995 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 town administrator once each month and at the end of the year a detailed annual report shall be made. The town administrator 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 aldermen. 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. (1995 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall be appointed by the town administrator after giving due consideration to a recommendation by the members of the volunteer fire department and shall hold office so long as his/her conduct and efficiency are satisfactory to the town administrator.

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. (Ord. #16/17-13, June 2017)

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. (1995 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. (1995 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. (1995 Code, § 7-308)

7-309. Firemen to have the same authority as police officers. Firemen shall have the same powers and authority as police officers of the town while going to, attending, and returning from a fire, and enforcing parking prohibitions relating to fire hydrants. (1995 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. (1995 Code, § 7-310)

CHAPTER 4

VOLUNTEER FIRE DEPARTMENT COST RECOVERY

SECTION

- 7-401. Purpose of chapter.
- 7-402. Definitions.
- 7-403. Liability for cost.
- 7-404. Methods of enforcement.
- 7-405. Conflict with other laws.

7-401. Purpose of chapter. This chapter is intended to provide for recovery by the Town of Dandridge, Tennessee of unbudgeted cost incurred in response and recovery efforts related to motor vehicle accidents and fire incidents, disasters, and other large-scale events or accidents. In addition, it is intended to provide for cost recovery for damages to natural resources and government owned properties. (Ord. #09/10-12, April 2010)

7-402. Definitions. (1) Costs shall mean and include, but not be limited to those expenses incurred responding to each incident that would not have been incurred if there was no incident. These cost shall include equipment and operating costs of the fire department including salaries, consumables, training, apparatus, and equipment, both direct and indirect; including those for which funds are not provided in the town's fiscal budget.

(a) All costs incurred for each response to a motor vehicle accident or fire incident.

(b) All costs incurred for response, containment, and/or removal and disposal of hazardous materials or remedial actions to include costs associated with temporary storage of hazardous materials.

(c) All costs incurred for ensuring the safety of the public to include costs incurred for actions taken at the site of the motor vehicle accident or fire incident.

(d) Damages for injury to, destruction of, or loss of natural resources, as determined by the appropriate local, state, or federal agency, including the reasonable costs of assessing such injury, destruction, or loss resulting from a motor vehicle accident, fire incident or hazardous material incident.

(e) Health care costs for persons injured from a motor vehicle accident or fire incident, including all medical assessment and treatment provided by first responder, EMTs, and paramedics at the scene prior to ambulance transport, if necessary.

(f) Health care costs for persons or animals injured from a hazardous material incident or costs of any health effects study carried out as a necessity resulting from a hazardous material incident.

(g) All costs incurred for response and remedial actions to disasters and large-scale accidents or events to include, but not limited to, cost associated with capture, transport, and housing of animals; medical treatment of injured animals; etc.

(h) Labor including benefits, overtime, and administrative overhead for government employees.

(i) The costs of operating, maintaining, leasing, repairing, and replacing equipment, and any and all damage to equipment.

(j) Contract labor and equipment.

(k) Labor and equipment obtained by the Dandridge Volunteer Fire Department, its agencies or agents, and the municipalities.

(l) Materials, including but not limited to, medical supplies such as "C" collars, drug administration by trained first responders, EMTs, and/or paramedics.

(m) Materials, including but not limited to, absorbents, foams, dispersants, neutralization agents, over pack drums or containers, dart tranquilizers, euthanasia solutions, etc.

(n) Supervision of response.

(2) "Fire incident" shall mean a situation in which a structure, vehicle, or grass is on fire.

(3) "Hazardous materials" shall mean any substance or material defined, listed, characterized, or classified as a hazardous material, hazardous substance, hazardous waste, or toxic substance according to any or all of the following: title 40, Code of Federal Regulations part 261 (Identification and Listing of Hazardous Wastes); title 40, Code of Federal Regulations part 304.4 (Designation of Hazardous Substances); title 40, Code of Federal Regulations part 355, appendices A and B (List of Extremely Hazardous Substances); title 49, Code of Federal Regulations parts 172.101 and 172.102 (Hazardous Materials Table). (Ord. #09/10-12, April 2010, modified)

7-403. Liability for cost. (1) Any responsible party whose negligence causes a motor vehicle accident, fire incident, hazardous materials incident or any disaster or large-scale accident or event shall be liable for the payment of all reasonable and necessary extraordinary and unbudgeted costs incurred by the Dandridge Volunteer Fire Department, its agencies or agents, for response remediation of such incident.

(2) The Town of Dandridge will seek all available remedies at law, to include provisions of the chapter, against any parties responsible for any motor vehicle accident, fire incident, hazardous materials incident or any disaster or large-scale accident or event, to include those actions and remedies available under the U.S. Bankruptcy Code relating to such matters. (Ord. #09/10-12, April 2010)

7-404. Methods of enforcement. The Town of Dandridge may enforce these provisions by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus administrative collection costs, attorneys' fees, or for any other relief that may be appropriate. A certified copy of a judgment in favor of the county may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by such person(s) and such lien shall be coequal with the lien of all state and municipal taxes superior in dignity to all other liens, titles, and claims until paid or extinguished.

This chapter shall not prohibit the Town of Dandridge from pursuing any other remedy, whether civil or criminal, or from instituting any appropriate action or proceedings, including injunction in a court of competent jurisdiction. Nor shall the recovery of expenses under this chapter in any way release the various parties, or limit them, from legal liability incurred as a result of cleanup or abatement as defined under any local, state or federal rule or regulation.

Failure to pay all or any part of the costs incurred within sixty (60) days of the date of the invoice will result in a five percent (5%) late penalty on the unpaid fee each month or portion thereof until the invoice is paid. Penalties shall not exceed one-hundred percent (100%) of the original amount for costs incurred. The maximum penalty is five-hundred dollars (\$500.00). (Ord. #09/10-12, April 2010)

7-405. Conflict with other laws. Whenever the requirements or provisions of this chapter are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply. Further this chapter shall not restrict or replace cost recovery from funding sources available under state and federal regulations. (Ord. #09/10-12, April 2010)

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

1. INTOXICATING LIQUORS.
2. BEER.
3. REGULATIONS AND LOCATIONS OF DISTILLERIES, BREWERIES AND WINERIES.

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. (1995 Code, § 8-101)

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. Fees for application and permit.
- 8-216. Legal hours of sale.

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. #14/15-07, April 2015)

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's municipal public works building or at any other location designated by the beer board at such times as it shall prescribe. When there is business to come before

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).

the beer board, a special meeting may be called by the chairman provided he 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. #14/15-07, April 2015, modified)

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. #14/15-07, April 2015)

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. #14/15-07, April 2015)

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. #14/15-07, April 2015)

8-206. "Beer" defined. The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101.

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.

(1) The beer board is authorized to issue special occasion permits for a location within the historic district of the town for special events which shall be limited to two (2) events lasting up to three (3) consecutive days per organization during any twelve (12) month period.

(2) The application fee for a special occasion license shall be the same as that for any other beer permit in the town and the application shall state the applicant's organization including documents showing evidence of the type of organization and the state of the location or the premises upon which the alcoholic beverages shall be served and the purpose for the request of the permit.

(3) No organization possessing a special occasion permit shall purchase for sale or distribution any beer from any source other than a source authorized pursuant to state law.

(4) The beer board is further empowered in its discretion to issue a special occasion permit establishing the times of sale for the location of the special event and said time shall not exceed that mandated by state law.

(5) The beer board is empowered to permit any organization holding a valid special occasion permit to sell beer within an outdoor serving area under the terms, conditions, rules and regulations as the beer board shall establish, which are not inconsistent with state law regarding the sale of beer. Any organization desiring to utilize an outdoor serving area under this subsection shall complete and submit an application to the town on forms provided by the business office of the town and such application shall include, but not be limited to the following information:

(a) The site plan for the outdoor seating area showing where any beer is to be sold and consumed, the specific location of any furniture and equipment and how the area of public right-of-way is to be separated.

(b) The site plan shall also include the location of any barriers to prevent access to the serving area by the general public unless the same is identified by an admission wrist band and said sight plan shall designate the entry and admission area.

(c) The site plan shall show the height and material used in the fencing to separate the seating from the public and seating areas may be located on property owned by the town in the sole discretion of the beer board.

No special event permit holder shall be allowed to sell more than four (4) twelve (12) ounce beers to any one (1) person during any special event day.

(6) The applicant organization shall establish how in said application the sale of alcohol will be securely made to persons of sufficient age to comply with state law as well as the policy for serving beer in the outdoor area along with the plan for charging for said beer sales.

(7) The applicant shall further accompany its site plan for outdoor seating with all safety measures taken with respect to any outdoor serving area as well as any insurance information pertaining to the organization's sale of

beer pursuant to a special occasion permit. (Ord. #14/15-07, April 2015, as amended by Ord. #16/17-12, June 2017)

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 (\$100.00). 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, 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. #14/15-07, April 2015)

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, except the same shall not apply to a marina located within a premier tourist resort within the corporate limits of the town, 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. #14/15-07, April 2015)

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 is a legal resident of the United States, or if a syndicate or association, that all of the members are citizens of the United States, or are legal residents 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, or a legal resident of the United States.

(3) That no such beverages will be sold in a congested area; within three hundred feet (300') of a school, church, or other place of public gathering in all zones of the town except in the Historic District of the B-1 Zone and in the Historic District of the B-1 Zone within three hundred feet (300') of a school or church; no closer than three hundred feet (300') feet to a residence except in the B-3 Zone where a business also holds a license to sell mixed drinks issued by the Alcohol Beverage Commission (ABC) of the State of Tennessee and in said circumstance the distance regulations of the ABC regarding residences if any, and no distance requirement from a residence shall exist in the Historic District of the B-1 Zone shall apply to the sale of beer; 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. #14/15-07, April 2015)

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. #14/15-07, April 2015)

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. #14/15-07, April 2015)

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 outside the hours set forth in § 8-216 herein.

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

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

(9) 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 (1) year time limit from the board.

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

(11) 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 (2) consecutive months shall have said permit revoked.

(12) Sell or offer for sale any controlled substance as defined by *Tennessee Code Annotated* or any controlled substance analogue as defined by *Tennessee Code Annotated* or further defined herein to mean a capsule, pill, powder, product or other substance, however constituted:

(a) The chemical structure of which is a derivative of, or substantially similar to, the chemical structure of a controlled substance; or

(b) Has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance.

Any beer permit holder who violates any one (1) 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. #14/15-07, April 2015, modified)

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) Pursuant to *Tennessee Code Annotated*, § 57-5-608 the beer board shall not revoke or suspend a permit because of the sale of beer to a minor if, at the time of the sale the permit holder was a responsible vendor, and the clerk who made the sale was certified under the responsible vendor program. If the permit holder certification has been revoked, the permit holder shall be punished by the beer board as if the vendor were not certified as a responsible vendor.

(3) In lieu of any suspensions that might have been imposed but for the restrictions set forth in (2) above; the beer board may impose a civil penalty not to exceed one thousand dollars (\$1,000.00). If the beer board determines that a clerk of a beer permit holder certified under the responsible vendor program sold beer to a minor, the beer board shall report the name of the clerk to the Alcohol Beverage Commission within fifteen (15) days after such determination by the board.

(4) In addition to the authority set forth in subsection (2) and (3) hereinabove, the beer board may at the time it imposes a suspension offer a permit holder the alternative of paying a civil penalty not to exceed one thousand dollars (\$1,000.00) provided however that the amount of the civil penalty may be increased to an amount not to exceed two thousand five hundred dollars (\$2,500.00) in the case of a sale to a minor by a permit holder that is not a responsible vendor. 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.

(5) 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.

(6) 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. #14/15-07, April 2015)

8-215. Fees for application and permit. Any applicant seeking a permit under this chapter shall pay the recorder a two hundred fifty dollar (\$250.00) non-refundable application fee. There is also imposed a one hundred dollar (\$100.00) 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. #14/15-07, April 2015, modified)

8-216. Legal hours of sale. The legal hours of sale for all classes of permit holders shall be the same as the legal hours of sale of beer authorized by the Tennessee Alcoholic Beverage Commission which are as follows:

| | |
|-------------------------|---|
| Monday through Saturday | 8:00 A.M. to 3:00 A.M. into the next morning |
| Sunday | 10:00 A.M. to 3:00 A.M. into the next morning |

(Ord. #14/15-07, April 2015)

CHAPTER 3

REGULATIONS AND LOCATIONS OF DISTILLERIES, BREWERIES AND WINERIES

SECTION

8-301. Performance standards.

8-302. Definitions.

8-303. Review process.

8-301. Performance standards. There is hereby established performance standards for breweries, micro-breweries, distilleries, wineries, and micro-wineries that are newly constructed as follows:

(1) There shall be compliance with all applicable requirements of the Town of Dandridge Municipal Code and building codes.

(2) There shall be confirmation of approval by all applicable state and federal agencies authorized to regulate wineries, breweries and distilleries.

(3) Only products manufactured on-premise at any of the manufacturing facilities enumerated herein shall be consumed on-premise as permitted by applicable state law.

(4) Any such entity enumerated herein shall obtain approval by the Town of Dandridge water and sewer authorities for the operation of such business consistent with the capacity and regulations prevailing for said water and sewer service.

(5) Any site for a facility enumerated herein shall be at least three hundred feet (300') herein from a church or school measured from building to building.

(6) There shall be a submittal and approval in accordance with § 14-313 of the Dandridge zoning and building code applicable to site plan review.

(7) There shall exist off street parking provided at one (1) space for each two-hundred fifty (250) square feet of floor space and one (1) space per employee of any establishment enumerated herein.

(8) There shall be the required for approval and issuance of a special use permit specifying the conditions of approval for any conditions opposed by the board of zoning appeals and specified on the special use permit.

(9) Restaurants shall be allowed as an accessory use not to exceed thirty percent (30%) of gross floor area should any such establishment permitted by state law elect to operate a restaurant facility. (Ord. #13/14-18, Jan. 2014)

8-302. Definitions. (1) "Brewery." Facility that primarily manufactures and sells wholesale high alcohol content ales, beer or malt beverages in quantities of ten thousand (10,000) barrels or more per year with each barrel

holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(2) "Brew pub." A restaurant as the principal use that includes a micro-brewery integrated into the restaurant operation as an accessory use. Such facility devotes at least seventy percent (70%) of the gross floor area for the preparation, dining and sale of food. The manufacture of ales, beer or malt beverages shall not exceed thirty percent (30%) or five thousand (5,000) square feet in area whichever is greatest.

(3) "Distillery." An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine," and other alcoholic spirits that contain high alcohol content that produces more than five thousand (5,000) barrels per year with each barrel holding fifty-three (53) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(4) "Micro-brewery." Facility that primarily manufactures high alcohol content ale, beer or malt liquor in quantities of less than ten thousand (10,000) barrels per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(5) "Micro-distillery." An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine," and other alcoholic spirits that contain high alcohol content that produces more than five thousand (5,000) barrels per year with each barrel holding fifty-three (53) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(6) "Micro winery." An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities. Winery producing up to two thousand (2,000) cases per year with a maximum site area of one (1) acre. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(7) "Winery." An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities that produces over two thousand (2,000) cases per year with each case containing two thousand three hundred seventy-eight (2,378) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms. (Ord. #13/14-18, Jan. 2014)

8-303. Review process. (1) There is hereby required a new construction review process which shall include the following:

(a) Site plan approval from planning commission for permitted use-by-right.

(b) (i) Board of zoning appeals for special exception,

(ii) Site plan approval from planning commission.

(2) Existing building review process is as follows: As a permitted use-by-right an in house administrative review by staff and a local representative of the town is conducted to confirm that compliance with off street parking and other zoning requirements have been met.

(3) Wineries and micro-wineries shall be permitted in the following locations: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(4) Micro-winery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts.

(5) Distillery and micro-distillery locations shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(6) Micro-distillery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts.

(7) Brewery and micro-brewery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(8) Micro-brewery and brew pub shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts. (Ord. #13/14-18, Jan. 2014)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CABLE TELEVISION.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. "Going out of business" sales.
 9-102. Food truck mobile concession stand regulations.

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. (1995 Code, § 9-101)

9-102. Food truck mobile concession stand regulations. (1) Each vendor who desires to operate within the corporate limits of the Town of Dandridge, a food truck or mobile concession stand with any cooking equipment shall obtain a permit and pay a filing fee, provided said vendor is not a 501(c)(3) organization as designated by the Internal Revenue Service. There shall be no filing fee paid by such vendor who is a 501(c)(3) although they are required to obtain a permit from town hall.

(2) There are three (3) types of permits allowed to be issued herein as follows:

- (a) Twenty-four (24) hour permit - Fee \$25.00

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

(b) Seventy-two (72) hour permit - Fee \$50.00

(c) One (1) year permit - Fee \$200.00

(3) Any food truck or mobile concession stand shall park on private property or shall park only on public property parking within the town restricted areas designated by the town administrator and/or designee.

(4) Any food truck or mobile concession stand which operates within the town in the central business district and/or the historic district of the town, during any town approved festival or event shall do so only upon the consent of the town administrator after coordination of the same with the festival operator.

(5) At no time shall any vendor herein authorized be permitted to operate or be situated on any sidewalk of the town and the same is specifically prohibited.

(6) No vendor hereunder shall be allowed to operate in any zone of the town which does not permit commercial activity.

(7) No vendor hereunder shall operate within the town unless all signage for the same is attached to the vehicle and said vehicle or vehicle signage shall not contain flashing lights. Said vendor shall also be prohibited from using amplified sound with its operation.

(8) Each vendor hereunder shall keep the area around its location clear of trash and debris and the vendor shall contain on board at all times any waste liquids generated by its operator, e.g., oils, wash water, etc.

(9) In the event a vendor utilizes electrical service, the same shall be in accordance with all regulations of the state and town and subject to approval by the building inspector for the town.

(10) All vendors hereunder shall be free standing and not use stakes, rods or any support method which must be drilled or driven into asphalt, pavement, sidewalks or buildings.

(11) There shall be limited to two (2), the number of vendors hereunder which may operate at any time on any tract of private property.

(12) Any vendor hereunder shall comply within the prevailing fire code in the Town of Dandridge.

(13) Any vendor operating on private property with the town shall have at all times in their possession a letter of permission from the property owner granting the vendor permission to operate on their property and said letter shall be no older than twelve (12) months from the date of operation.

(14) Any person operating a hand cart for the sale of merchandise or food shall be subject to all regulations hereunder. (Ord. # 16/17-05, Oct. 2016)

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. Police officers to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.
- 9-214. Restrictions during parades.

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. (1995 Code, § 9-201)

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, nor to craft, food, or civic/business vendors at festivals which do not exceed two (2) days, nor to producers who sell their home grown agricultural products or value added agricultural products, i.e. jams, jellies, salsas, breads, etc., provided they have complied with state and federal agriculture departments guidelines. (1995 Code, § 9-202, as amended by Ord. #07/08-21, June 2008)

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.

¹Municipal code reference

Privilege taxes: title 5.

(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

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

(6) A recent clear photograph approximately two inches (2") 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 thirty-five dollars (\$35.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1995 Code, § 9-203, as amended by Ord. #06/07-05, Sept. 2006)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police or town administrator for investigation. The chief or town administrator shall report his findings to the recorder within five (5) working days.

(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. (1995 Code, § 9-204, as amended by Ord. #06/07-05, Sept. 2006)

9-205. Appeal. Any person aggrieved by the action of the town personnel 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. (1995 Code, § 9-205, modified)

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. (1995 Code, § 9-206)

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. (1995 Code, § 9-207)

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. (1995 Code, § 9-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any police officer or citizen. (1995 Code, § 9-209)

9-210. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1995 Code, § 9-210)

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. (1995 Code, § 9-211)

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. (1995 Code, § 9-212)

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. (1995 Code, § 9-213)

9-214. Restrictions during parades. (1) It shall be unlawful for any street vendor, peddler, or transient merchant to display or sell any goods or

wares while walking or riding along the parade route during the course of the parade.

(2) A street vendor, peddler, or transient merchant may sell their goods or wares from a stationary point along the parade route upon their obtaining a peddler's permit from the town and obtaining written permission from the owner or occupant of the property at the designated stationary point. The stationary point shall be designated by the town administrator or his designee. (Ord. #07/08-11, Oct. 2007)

CHAPTER 3**CABLE TELEVISION****SECTION**

9-301. To be furnished under franchise.

9-301. 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 (1995 Code, § 9-501)

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. DEFINITIONS AND PROCEDURES.
2. GENERAL.

CHAPTER 1**DEFINITIONS AND PROCEDURES****SECTION**

- 10-101. Definitions.
- 10-102. Adjudication of dangerous dogs.
- 10-103. Impoundment and evaluation.
- 10-104. Exception to dangerous dog.
- 10-105. Enforcement.
- 10-106. Procedure.
- 10-107. Hearing.
- 10-108. Appeal.
- 10-109. Violations and penalty.

10-101. Definitions. For the purposes of this title, the term:

- (1) "Animal" means any cow, horse, sheep, mule, goat, or other animal which is raised for meat, show, hides, pets, or ornamental value.
- (2) "Dog" means any breed of dog, mixture of breeds, and wolf hybrids.
- (3) "Dangerous dog" means any dog which
 - (a) Without being provoked, approaches, corners or menaces any person in a dangerous or terrorizing manner or in an apparent attitude or stance of attack, upon the streets, sidewalks, parks, or any public grounds or places;
 - (b) Has a known propensity, tendency or disposition by prior attacks to attack without provocation, to cause injury or otherwise endanger to the safety of persons or other dog(s);
 - (c) Bites, inflicts bodily injury, assaults or attacks a person or other dog(s) on public or private property without provocation;
 - (d) Is owned or harbored primarily or in part for the purpose of dog fighting or is trained for dog fighting;
 - (e) Trained as an attack or guard dog.
- (4) "Domesticated fowl" means any fowl raised for meat, eggs, down, show, pets or ornamental value.
- (5) "Owner" means any person, or other legal entity which owns, possesses, harbors, keeps, or has custody or control of a dog. If a dog has more

than one (1) owner within the meaning of this section, any one (1) of such owners may be cited for a violation.

(6) "Without provocation: means that the dog was not hit, kicked, taunted or struck by a person with any object or part of a person's body, nor was any part of the dogs body pulled, pinched or squeezed by a person. (Ord. #09/10-11, Jan. 2010)

10-102. Adjudication of dangerous dogs. Once a dog has been cited by law enforcement into the town municipal court and adjudicated to be a dangerous dog pursuant to § 10-101(3), the owner shall be subjected to a civil penalty not to exceed fifty dollars (\$50.00) and must comply with the following regulations in order to keep the dog:

(1) Register the dog adjudicated dangerous with the town recorder providing the owner's name, address and telephone number and the dog's name, date of birth (if known), breed, and two (2) colored photographs at least four by six inches (4" x 6") in size within five (5) days of the adjudication.

(2) Notify the town recorder of the change of address of the owner, while the dog is in his possession.

(3) All dogs adjudicated to be classified as dangerous shall not be allowed to go outside its place of confinement unless it is secured by a leash of sufficient strength no longer than four feet (4') in length, is under the physical control of person of suitable age, size and discretion and wearing a muzzle device sufficient to prevent the dog from biting persons or other animals.

(4) All dogs adjudicated a dangerous dog shall be securely confined indoors or in a securely enclosed pen, kennel or structure unless the dog is properly leashed as provided in § 10-101(3). Securely confined indoors means the dog shall not be confined to any portion of a house or structure which would allow him to exit such building with windows or door opened, or when screened doors or windows are the only obstacles preventing their exit. Securely enclosed pen, kennel, or structure means that the confining structure must be at least eight feet (8') above ground on all four (4) sides; have a secured floor attached to the four (4) sides or the sides must be embedded in the ground no less than two feet (2'); have a secure top attached to the side to prevent escape and protect the dog from the elements; kept clean and sanitary; be of sufficient size to provide adequate exercise, space, light, and ventilation; and located in the rear yard of the residence.

(5) If the dangerous dog is to be securely enclosed in a pen, kennel or structure, the owner shall keep the dog confined indoors until the securely enclosed pen is constructed and inspected by the town's building inspector.

(6) The owner shall display a "Beware of Dangerous Dog" sign in a prominent place on the owner's premises, readable and visible from the driveway entrance or street and on the pen, kennel or structure. The size of the signs shall be twelve inches by twelve inches (12" x 12") in size.

(7) The dangerous dog must be spayed or neutered, or if previously spayed or neutered, proof must be shown evidencing the procedure has been performed.

(8) The owner of a dangerous dog shall obtain and provide the town recorder of a property damage or personal injury insurance policy insuring the owner of damage or injury caused by the dog in the amount of fifty thousand dollars (\$50,000.00) within twenty (20) days of being adjudicated dangerous. The policy shall contain a provision stating the issuing insurance agent will notify the town in the event the policy is canceled, terminated or expired. If the owner allows the insurance policy to lapse, it shall be a violation of this title.

(9) The owner shall notify the town immediately if the dangerous dog is unconfined and on the loose; has attacked a human being or domestic animal or fowl without provocation; has changed ownership, or died.

(10) The owner shall attend the responsible dog ownership class on the date directed at a cost of twenty-five dollars (\$25.00) per person.

(11) Any violation of any of the regulations hereinabove enumerated after the dog has been adjudicated dangerous (subsections (1) through (10)) will be deemed a separate violation and may result in another citation being issued to the owner. If the owner is found to be in violation of one (1) or more of this title's subsections, the dog will be impounded at the Jefferson County Humane Society in addition to a civil penalty of fifty dollars (\$50.00). (Ord. #09/10-11, Jan. 2010, modified)

10-103. Impoundment and evaluation. Once a dog has been impounded, the dog will be observed and evaluated by a competent dog trainer during a ten (10) day period, the cost of which shall be paid by the owner. If the evaluation deems the dog adoptable, it will be placed in a suitable shelter for adoption. If the evaluation deems the dog non-adoptable, it will be euthanized. (Ord. #09/10-11, Jan. 2010)

10-104. Exception to dangerous dog. A dog shall not be adjudicated dangerous if he has injured, menaced or damaged a victim who was:

(1) Willfully committing a trespass or other tort upon the business or residential premises occupied by the owner of the dog;

(2) Teasing, tormenting, abusing or assaulting the dog without provocation;

(3) Committing or attempting to commit a crime;

(4) A dog owned by a law enforcement department. (Ord. #09/10-11, Jan. 2010)

10-105. Enforcement. All ordinance enforcement under this title shall be under the direction of the police chief and/or his designees. (Ord. #09/10-11, Jan. 2010)

10-106. Procedure. Any alleged violation occurring under this title by animal domesticated fowl or dog shall be initiated by a civil citation given to the owner. If the owner cannot be located, the alleged violating animal or domesticated fowl may be impounded. All fees resulting from said impoundment shall be paid for by the owner of the animal, dog, or domesticated fowl prior to its being released. (Ord. #09/10-11, Jan. 2010)

10-107. Hearing. The officer issuing the citation shall cite the owner to appear before the town municipal court. The town judge shall be authorized to impose a civil penalty up to fifty dollars (\$50.00) for any adjudication for violating any provision of this title. (Ord. #09/10-11, Jan. 2010, modified)

10-108. Appeal. Any owner aggrieved by the decision of the town municipal court may appeal to the Jefferson County Circuit Court upon executing an appeal bond and security for the payment of the civil penalty and costs incurred. (Ord. #09/10-11, Jan. 2010)

10-109. Violations and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.

CHAPTER 2

GENERAL

SECTION

- 10-201. Rabies vaccination and registration.
- 10-202. Running at large outside boundaries of owner's property.
- 10-203. Dogs constituting a nuisance.
- 10-204. Tethering.
- 10-205. Female dogs in heat.
- 10-206. Removal of waste.
- 10-207. Confinement of suspected rabid dog.

10-201. Rabies vaccination and registration. All dogs and cats located permanently or temporarily within the town's corporate limits shall be duty vaccinated against rabies, registered in accordance with the "Tennessee Rabies Law" *Tennessee Code Annotated*, §§ 68-8-101 to 68-8-113 or other applicable law, and wearing a tag evidencing a current vaccination and registration. (Ord. #09/10-11, Jan. 2010, modified)

10-202. Dogs running at large outside boundaries of owner's property. No dog shall be allowed to run outside the owner's property boundaries on the streets, sidewalks, or other places open to the public unless they are on a leash or chain no more than four feet (4') long and being handled by the owner or other qualified person. (Ord. #09/10-11, Jan. 2010)

10-203. Dogs constituting a nuisance. No owner shall own, possess, harbor, keep or maintain custody or control of a dog(s) which disturbs the peace and tranquility of surrounding residents by loud and for frequent barking, whining, or howling. (Ord. #09/10-11, Jan. 2010)

10-204. Tethering. (1) No dog shall be tethered or chained in the front yard of any residence or in the side yard if it abuts a street or sidewalk within the corporate limits. The tethering system shall not allow the dog to leave the owner's property and shall not extend beyond ten feet (10') to the owner's property line.

(2) No dog shall be tethered by use of a choke collar nor by any collar too small for the size and age of the dog. No dog shall be tethered by a rope, chain, chord or other device which is attached directly to the dog's neck. Any tethering device shall be attached to a properly fitted collar or harness worn by the dog and shall not weigh more than one-eighth (1/8) of the dog's body weight, shall be at least ten feet (10') in length, and have a swivel attachment on at least one (1) end. (Ord. #09/10-11, Jan. 2010)

10-205. Female dogs in heat. Any female dog coming into heat within the corporate limits shall be kept in a secure enclosure or under the complete control of the owner for a minimum of twenty-one (21) days beginning the first day the evidence of attraction appears to the owner. No female dog evidencing signs of being in heat shall be tethered or chained for any period of time, either on or off of owner's property unless she is in a secured enclosure or directly supervised by the owner. (Ord. #09/10-11, Jan. 2010)

10-206. Removal of waste. The owner of any dog shall be responsible for the immediate removal of any excretion deposited on any public sidewalks, streets, or paved walking trail, a guide dog under the control of a person with a disability or dog(s) used in police activities are exempt from this section. (Ord. #09/10-11, Jan. 2010)

10-207. Confinement of suspected rabid dog. If any animal or dog has bitten any person, is suspected of biting a person, or is suspected of being infected with rabies, the chief of police or his designee shall notify the Jefferson County Animal Control Officer who shall cause the animal or dog to be confined or isolated until it is determined the animal or dog is not rabid. (Ord. #09/10-11, Jan. 2010)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. FIREARMS, WEAPONS AND MISSILES.
4. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
5. 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. (1995 Code, § 11-101)

¹Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7.
- Residential and utilities: title 12.
- 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 PEACE AND QUIET

SECTION

11-201. Anti-noise regulations.

11-202. Disrupting meeting or procession.

11-203. Hours of outdoor music performances and amplified sound.

11-201. 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) 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.

(b) 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 amplifier, loud speakers, or sound tracks only in connection with religious, civic, patriotic, charitable, political or school functions and lawful business purposes provided that the same is conducted in accordance with the requirements contained in § 11-304.

(3) 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. (1995 Code, § 11-302, as amended by Ord. #15/16-04, Sept. 2015, modified)

11-202. 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. (1995 Code, § 11-303)

11-203. Hours of outdoor music performances and amplified sound. (1) Any musical performance either live or presented in recorded form by a disc jockey or master of ceremonies or any amplified sound at any commercial or business venue within the corporate limits of the Town of Dandridge shall be and is hereby restricted in their hours of performance to commence no earlier than 9:00 A.M. and cease no later than 11:00 P.M. on Friday and Saturday and no earlier than 9:00 A.M. and cease no later than 9:00 P.M. Sunday through Thursday; provided no sound shall exceed eighty-five (85) decibels at fifty feet (50') from the sight of amplified sound for any business or commercial venue. Any amplified sound for any civic, educational or school activity, including sporting events, shall not be restricted as to time or decibel.

(2) Any violation of this section shall be a municipal offense punishable by a fine no greater than fifty dollars (\$50.00) for each violation cited by the Dandridge Police Department. (Ord. #15/16-5, Sept. 2015)

CHAPTER 3**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-301. Air rifles, etc.

11-302. Weapons and firearms generally.

11-301. 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. (1995 Code, § 11-501)

11-302. 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 town.

(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. (1995 Code, § 11-503)

CHAPTER 4

TRESPASSING, AND INTERFERENCE WITH TRAFFIC**SECTION**

11-401. Trespassing.

11-402. Interference with traffic.

11-401. 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. (1995 Code, § 11-601)

11-402. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1995 Code, § 11-603)

CHAPTER 5

MISCELLANEOUS

SECTION

11-501. Use of tobacco products.

11-502. Heliports.

11-501. Use of tobacco products. (1) No tobacco product shall be used in any municipal building or in any town park.

(2) A violation of this section shall result in a fine not to exceed fifty dollars (\$50.00). (Ord. #06/07-16, Feb. 2007)

11-502. Heliports. It is hereby unlawful to operate a heliport as defined under state law within the corporate limits of the Town of Dandridge unless the same is at a health care institution as defined under state law or when a helicopter makes a landing required by an emergency. (Ord. #06/07-10, Nov. 2006)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. RESIDENTIAL CODE.
5. FUEL GAS CODE.
6. MECHANICAL CODE.
7. ENERGY CONSERVATION CODE.
8. SWIMMING POOL AND SPA CODE.
9. EXISTING BUILDING CODE.
10. ACCESSIBLE BUILDINGS AND FACILITIES CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of any building or structure other than one- and two-family dwellings and townhouses, the *International Building Code*,² 2012 edition with Appendices B, C, E, F, I, and J as prepared and adopted by the International Code Council, is hereby adopted and incorporated

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 International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

by reference as a part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the building code. (Ord. #13/14-11, Dec. 2013)

12-102. Amendments.

Section (A) 101.1 Title.

Delete "(NAME OF JURISDICTION)" and insert "Town of Dandridge, Tennessee: in its place.

Section (A) 101.2.1 Appendices. Insert "The following Appendices are specifically included in the adoption." All others are

Appendix B Board of Appeals

Appendix C Group U-Agricultural Buildings

Appendix E Supplementary Accessibility Requirements

Appendix F Rodent Proofing

Appendix I Patio Covers

Appendix J Grading

Section (F) 907 2.1 System initiation in Group A occupancies with an occupant load of 1,000 or more.

Replace "1,000 or more" with "more than 300" in the title and in the code section.

Section (F) 907.2.11.1 Group R-1.

Insert "4. In each garage or storage area with a six foot or wider door to the outside."

Section (F) 907.2.11.2 Groups R-2, R-3, R-4 and 1-1.

Insert "4. In each private garage or storage area with a six foot or wider door to the outside."

Section 1004.1.2 Areas without fixed seating

Insert "fire code official or" just prior to "building official" in both occurrences.

Section 1004.2 Increased occupant load.

Insert "fire code official or" just prior to "building official" in both occurrences.

Section 1004.5 Outdoor areas.

Insert "fire code official or" just prior to "building official."

Section 1013.2 Where required.

Delete the first sentence and replace with "Guards shall be located along open-sided walking surfaces or ground surfaces including mezzanines, equipment platforms, stairs, ramps, landings, retaining walls and any other

locations that are located more than 30 inches (762mm) measured vertically to the floor or grade below at any point within 36 inches (924 mm) horizontally to the edge of the open side."

Section 3412.2 Applicability.

Delete "(DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION.)" and insert "the adoption of the first building code regulations in the Town of Dandridge, Tennessee" in its place.

Section 1612.3 Establishment of flood hazard areas.

Delete (INSERT NAME OF JURISDICTION) and insert "Town of Dandridge, Tennessee" in its place. Delete (INSERT NAME OF JURISDICTION) and insert "December 16, 2008" in its place.

Section B101.3.1 Open Hearing.

Insert the words ", the fire code official" after "building official" in the last sentence.

Section B101.4.1 Resolution.

Insert the words ", the fire code official" after "building official" in the last sentence.

Section B101.4.2 Administration.

Insert the words ", the fire code official" after "building official." (Ord. #13/14-11, Dec. 2013)

12-103. Plan review procedures and fees. When plans are required by the building official to be reviewed by the building code a non-refundable plans review fee shall be submitted at the time of application by the applicant. Said plan checking fee shall be equal to one-half (1/2) of the building permit fee. Such plan review fee is in addition to the building permit fee. (Ord. #15/16-06, Oct. 2015)

12-104. Building permits and fees. (1) A building permit is required on all structures that require inspections. Costs shall be calculated based on square foot construction costs.¹ The fee schedule is as follows:

| <u>Total Valuation</u> | <u>Fee</u> |
|------------------------|------------|
|------------------------|------------|

¹A schedule of square foot construction costs may be obtained in the office of the recorder.

| | |
|------------------------|--|
| \$1,000 or less | Minimum \$15.00 fee for each inspection. |
| \$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. |

(2) Where work for a 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. (Ord. #15/16-06, Oct. 2015)

12-105. 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. (Ord. #13/14-11, Dec. 2013)

12-106. Violations and penalty. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (Ord. #13/14-11, Dec. 2013)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-510, 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 town water or sewerage system, *International Plumbing Code*,² 2012 edition with Appendices B, C, D, E, F, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the plumbing code. (Ord. #13/14-16, Dec. 2013)

12-202. Amendments.

Section (A) 106.6.2 Fee Schedule.
Delete Section 106.6.2 in its entirety.

Section (A) 106.6.3 Fee refunds.
Delete Section. 106.6.3 in its entirety including the section number and title.

Section (A) 108.4 Violation penalties.
Delete "guilty of a (SPECIFY OFFENSE), punishable by a fine of not more than (AMOUNT) dollars or by imprisonment not exceeding (NUMBER OF DAYS), or both such fine and imprisonment" and insert "subject to penalties as prescribed by law" in its place.

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

Section (A) 108.5 Stop work orders.

Delete "liable for a fine of note less than (AMOUNT) dollars or more than (AMOUNT) dollars" and insert "subject to penalties as prescribed by law" in its place.

Section 109 Means of Appeal.

Delete Section 109 in its entirety and insert "The Board of Appeals shall be as established and regulated by the 2012 International Building Code" in its place.

Section 305.4.1 Sewer depth.

Delete "(NUMBER)" in two places and insert "twelve" in its place.

Delete "(mm)" in two places.

Section 701.2 Sewer required.

Delete "in accordance with the International Private Sewage Disposal Code."

Section 903.1 Roof extension.

Delete "(NUMBER)" and insert "twelve" in its place. (Ord. #13/14-16, Dec. 2013)

12-203. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #13/14-16, Dec. 2013)

12-204. Violations and penalty. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (Ord. #13/14-16, Dec. 2013)

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. Enforcement.
- 12-305. Fees.
- 12-306. Violations and penalty.

12-301. Electrical code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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 2008 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. (1995 Code, § 12-301)

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. (1995 Code, § 12-302)

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. (1995 Code, § 12-303)

12-304. 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

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.

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. (1995 Code, § 12-305)

12-305. 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. (1995 Code, § 12-306)

12-306. Violations and penalty. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1995 Code, § 12-304)

CHAPTER 4

RESIDENTIAL CODE

SECTION

- 12-401. Residential code adopted.
- 12-402. Amendments.
- 12-403. Available in recorder's office.
- 12-404. Violations and penalty.

12-401. Residential code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-510, and for the purpose of regulating residential dwellings, including construction, repairs, use, occupancy, removal, and demolition thereto, of every detached one- or two-family dwellings and one family townhouses not more than three (3) stories in height, and their accessory structures, the *International Residential Code*,¹ 2012 edition with Appendices A, B, C, D, F, G, H, J, N, O, P, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the residential code. (Ord. #13/14-12, Dec. 2013)

12-402. Amendments.

Section R101.1 Title.

Delete "(NAME OF JURISDICTION)" and insert "Town of Dandridge, Tennessee" in its place.

Section R102.5 Appendices.

At the end of this section insert the following:

The following Appendices are specifically included in the adoption. All others are excluded.

Appendix A Sizing and Capacities of Gas Piping.

Appendix B Sizing Of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents.

Appendix C Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

Appendix F Radon Control Methods.

Appendix G Swimming Pools, Spas, and Hot Tubs.

Appendix H Patio Covers.

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

Appendix J Existing Buildings and Structures.

Appendix N Venting Methods.

Appendix O Automatic Vehicular Gates.

Appendix P Sizing of Water Piping System.

Table R301.2 (1) Climatic and Geographic Design Criteria.

Insert "10 PSF" in the table for Ground Snow Load.

Insert "90" in the table for Wind Speed.

Insert "No" in the table for topographic effects.

Insert "C" in the table for Seismic Design Category.

Insert "Severe" in the table for Weathering.

Insert "12 inches" in the table for Frost Line Depth.

Insert "Moderate to heavy" in the table to Termite.

Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.

Insert "No" in the table for Ice Barrier Underlayment Required.

Insert "210" in the table for Air Freezing Index.

Insert "59.4" in the table for Mean Annual Temp.

Section R3012.2 Seismic provisions.

Delete Item 1, renumber item 2 to item 1 and insert "and townhouses" just after the word dwellings and at the end of the section insert "All references to "townhouses" in seismic design category C" in Chapters 6, 7 and 28 shall not apply in the "Town of Dandridge, Tennessee."

Section R302.2 Townhouses.

Delete the word "Exception:" and insert "Exception #1" for townhouses equipped with an automatic sprinkler system:"

At the end of this exception, insert the following:

"Exception #2: for townhouses not equipped with an automatic sprinkler system:" A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4."

Section R302.5.2 Opening Protection.

Delete the words ", equipped with a self closing device" and insert a period after the word "doors."

Section R303.4 Mechanical ventilation

Add the word "(Optional)." In the section title after the word ventilation. Delete the words "the dwelling unit shall be provided with whole-house mechanical ventilation shall be"

Section 311.7.8 Handrails

Change "four or more risers" to "a total rise of 30 inches or more."

Section R312.2 Window fall protection.

Delete section R312.2 and R312.2.1 in their entirety.

Section R313 Automatic Fire Sprinkler Systems

Add the words "(Optional, see *Tennessee Code Annotated*, Section 68-1-120-101(a)(8)." in the section title after the word "Systems."

Section R313.1 Townhouse automatic fire sprinkler systems.

Delete the words "An automatic residential fire sprinkler system shall be installed in townhouses." And replace with "When an automatic residential fire sprinkler system is installed in townhouses, the following shall apply:"

Section R313.2 One- and two-family dwellings automatic fire sprinkler systems.

Delete the words "An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings." and replace with "When an automatic residential fire sprinkler system is installed in one- and two-family dwellings, the following shall apply:"

Section R314.3 Location.

Insert "4. In each garage or storage area with a six foot or wider door to the outside. These smoke alarms shall be specifically approved for use in garages in the manufacturers written instructions. Exception: Heat detectors interconnected with the alarm system and having battery back up may be used in a garage or storage area."

Section R322.1.7 Protection of water supply and sanitary sewage.

Delete "and Chapter 3 of the International Private Sewage Disposal Code" and insert ", the requirements of the water and sewer service utility providers and Dandridge" in its place.

Figure R403.1 (1) Concrete and Masonry Foundation Details.

Insert a note in the figure as follows: "The bottom of all foundations shall extend a minimum of 12 inches below finished grade."

Section R502.11.4 Truss Design Drawings.

Delete "to the building official and approved prior to installation" and replace it with "for review when required by the building official."

Section R802.10.1 Truss design drawings.

Delete "to the building official and approved prior to installation." and replace it with "for review when required by the building official."

Table N1102. 1.1 (R402.1.1) Insulation and Fenestration Requirement by Component

In the row for climate zone "4 except Marine)," change Ceiling R-Value from "R49" to "R-38," and change the Wood Frame Wall R-Value from "20 or 13 + 5" to "13," and change the Mass Wall R-Value from "8/13" to "5/10."

Table N1102.1.3 (R402.1.3) Equivalent LI-Factors.

In the row for climate zone "4 except Marine," change Ceiling U-Factor from "0.026" to "0.30," and change the Frame Wall U-Factor from "0.057" to "0.982," and change the Mass Wall U-Factor from "0.098" to "0.141."

Section N1102.2.6 (R402.2.6) Steel-frame ceilings, walls, and floors.

After the first occurrence of the word "of" insert "Table N 1102.1.1. or."

Section N1102.4.1.1 (R402.4.1.1) Installation.

Add the words "and visual inspection option." After the word "Installation" in the section title.

Add the words ", and be field verified" After the word "construction."

Section N1102.4.12 (R402.1.2) Testing.

Add the word "(optional)" after the word "Testing" in the section title.

Before the first sentence insert "Where required by the building official,"

Section N1103.1.1 (R403.1.1) Programmable thermostat.

Add the word "(optional)." after the word "thermostat" in the section title. Before the first sentence insert "Where required by the building official and,"

Section N1103.2.2 (R403.2.2) Sealing (Mandatory).

Before the words "Duct tightness" insert "Where required by the building official,"

Section N1103.4.1(R403.4.1) Circulating hot water systems (Mandatory).

Add the sentence "All circulating service hot water piping shall be insulated to at least R-2." after the section title.

Section N1103.4.2 (R403.4.2) Hot water pipe insulation (Prescriptive).

Delete the word "Prescriptive" and replace with the word "Optional" in the section title. Before the first sentence insert "Where required by the building official," Before the words "All remaining piping" insert "Where required by the building official,"

Section N1103.5 (R403.5) Mechanical ventilation (Mandatory).

Delete the word "Mandatory" and replace with word "Optional" in the section title.

Delete "The building shall be provided with ventilation that meets" and replace with "Buildings provided with ventilation shall meet".

Section N1103.9 (R403.9) Pools and in ground permanently installed spas (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title.

Before the first sentence insert "Where required by the building official,"

Section N 1104 Electrical Power and Lighting Systems (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title.

Section N1104.1 (R404.1) Lighting equipment (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title.

Before the first sentence insert "Where required by building official,"

Section P2603.5.1 Sewer depth.

Delete "(NUMBER)" in two places and insert "twelve inches" in two places.

Section E3403.2 Inspection Required.

Insert the words "where required" after the words "shall be inspected."

Section AE304. 3.2.1 Investigation.

Before the first sentence insert "Where required by the building official,"

Section AE304.3.2.2 Fee.

Before the first sentence insert "Where required by the building official,"

Section AE305. 5.1 Structural inspections for the manufactured home installation. At the end of the section insert "Exception: The inspections required by this section shall not apply to manufactured homes as exempted by the State of Tennessee but shall apply to any construction or installation of decks, porches, steps or other structures or equipment. All manufactured homes shall pass a final inspection and have a certificate of occupancy issued."

Section AF103.5.3 Vent pipe.

At the end of the section insert "Exception: The vent pipe shall be allowed to terminate in the attic and may be capped unless tests verify the radon potential to be 4pCi/L or greater."

Section AF103.6.1 Vent pipe.

At the end of the section insert "Exception: The vent pipe shall be allowed to terminate in the attic and may be capped unless tests verify the radon potential to be 4pCi/L or greater."

Section AF103. 12 Power source.

Delete Section AF103.12 in its entirety. (Ord. #13/14-12, Dec. 2013)

12-403. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #13/14-12, Dec. 2013)

12-404. Violations and penalty. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (Ord. #13/14-12, Dec. 2013)

CHAPTER 5

FUEL GAS CODE¹

SECTION

- 12-501. Fuel gas code adopted.
- 12-502. Amendments.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.

12-501. Fuel gas code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-510, and for the purpose of regulating gas pipe 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 town water or sewerage system, *International Fuel Gas Code*,² 2012 edition with Appendices A, B, C, D, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the gas code. (Ord. #13/14-14, Dec. 2013)

12-502. Amendments.

Section (A) 101.1 Title.

Delete "(NAME OF JURISDICTION)" and insert "Town of Dandridge, Tennessee" in its place.

Section (A) 101.3 Appendices.

Insert "The following Appendices are specifically included in the adoption. All others are excluded.

Appendix A Sizing and Capacities of Gas Piping (IFGS)

Appendix B Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents (IFGS)

Appendix C Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems (IFGS)

Appendix D Recommended Procedure For Safety Inspection of an Existing Appliance Installation (IFGS)"

¹Municipal code reference

Gas system administration: title 19, chapter 2.

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

Section (A) 106.6.2 Fee schedule.

Delete Section 106.6.2 in its entirety.

Section (A) 106.6.3 Fee refunds.

Delete Section 106.6.3 in its entirety including the section number and title.

Section (A) 108.4 Violation penalties.

Delete "guilty of a (SPECIFY OFFENSE), punishable by a fine of not more than (AMOUNT) dollars or by imprisonment not exceeding (NUMBER OF DAYS), or both such fine and imprisonment" and insert "subject to penalties as prescribed by law" in its place.

Section (A) 108.5 Stop work orders.

Delete "liable for a fine of not less than (AMOUNT) dollars or more than (AMOUNT) dollars" and insert "subject to penalties as prescribed by law" in its place.

Section 109 (IFGC) Means of Appeal.

Delete Section 109 in its entirety and insert "The Board of Appeals shall be as established and regulated by the 2012 International Building Code." in its place. (Ord. #13/14-14, Dec. 2013)

12-503. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one copy (1) of the fuel gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #13/14-14, Dec. 2013)

12-504. Violations and penalty. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (Ord. #13/14-14, Dec. 2013)

CHAPTER 6

MECHANICAL CODE¹

SECTION

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

12-601. Mechanical code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 through 6-54-506, 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 *International Mechanical Code*, 2012 edition, or any subsequent edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the mechanical code. (modified)

12-602. Amendments.

Code Section (A) 101.1 Title.

Delete "(NAME OF JURISDICTION)" and "Town of Dandridge, Tennessee" in its place.

Section (A) 101.2.1 Appendices.

Insert "The following Appendices are specifically included in the adoption. All others are excluded.

Appendix A Chimney Connector Pass-Throughs"

Section (A) 106.5.2 Fee schedule.

Delete Section 106.5.2 in its entirety.

Section (A) 106.5.3 Fee refunds.

Delete Section 106.5.3 in its entirety including the section number and title.

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Section (A) 108.4 Violation penalties.

Delete "guilty of a (SPECIFY OFFENSE), punishable by a fine of not more than (AMOUNT) dollars or by imprisonment not exceeding (NUMBER OF DAYS), or both such fine and imprisonment" and insert "subject to penalties as prescribed by law" in its place.

Section (A) 108.5 Stop work orders.

Delete "liable or a fine of not less than (AMOUNT) dollars or more than (AMOUNT) dollars" and insert "subject to penalties as prescribed by law" in its place.

Section 109 Means of Appeal.

Delete Section 109 in its entirety and insert "The Board of Appeals shall be as established and regulated by the 2012 International Building Code." in its place. (Ord. #13/14-15, Dec. 2013)

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 been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #13/14-15, Dec. 2013)

12-604. Violations and penalty. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. (Ord. #13/14-15, Dec. 2013)

CHAPTER 7

ENERGY CONSERVATION CODE¹

SECTION

12-701. Energy conservation code adopted.

12-702. Amendments.

12-703. Available in recorder's office.

12-704. Violations and penalty.

12-701. Energy conservation code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-510, 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, *International Energy Conservation Code*,² 2012 edition with Appendices _____, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the energy conservation code.

12-702. Amendments.

Section C101.1,R101.1 Title.

Delete "[NAME OF JURISDICTION]" and insert "Dandridge, Tennessee" in its place.

Section C101.5,R101.5 Compliance.

Just after the first occurrence of the word "provisions" insert "or Chapter 11, Energy Efficiency, of the 2012 International Residential Code"

Section C108.4,R108.4 Failure to comply.

Delete "liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "subject to penalties as prescribed by law" in its place.

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 International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

Whenever in the Energy Conservation Code refers to the "Name of Jurisdiction" it shall refer to the Town of Dandridge. When the "building official" is named, it shall mean the building inspector or his designee for the purpose to administer and enforce the provisions of the Energy Conservation Code. (Ord. #15/16, June 2016)

12-703. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the energy conservation code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #13/14-13, Dec. 2013)

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 8

SWIMMING POOL AND SPA CODE¹**SECTION**

12-801. Swimming pool code adopted.

12-802. Available in recorder's office.

12-803. Violations and penalty.

12-801. Swimming pool code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-516, and for the purpose of regulating the minimum requirements for the design, construction, alteration, repair and maintenance of swimming pools, spas, hot tubs and aquatic facilities, the *International Swimming Pool and Spa Code*,² 2012 edition, or any subsequent edition, as prepared by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the swimming pool code. (modified)

12-802. 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 kept there for the use and inspection of the public.

12-803. Violations and penalty. It shall be unlawful for any person, firm or corporation to violate the provisions of this code, or cause same to be done, in conflict with or in violation of any of the provisions of the code.

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: title 18 and 19.

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

CHAPTER 9

EXISTING BUILDING CODE

SECTION

12-901. Existing building code adopted.

12-902. Available in recorder's office.

12-903. Violations and penalty.

12-901. Existing buildings code adopted. Pursuant to the authority granted by *Tennessee Code Annotated* §§ 6-54-501 to 6-54-516, and for the purpose of regulating alternative approaches to remodeling, repair or alteration of existing buildings which do not comply with the current building code requirements for new construction, the *International Existing Building Code*,¹ 2012 edition, as prepared by the International Code Council, is hereby adopted and incorporated by reference as part of this code except as otherwise specifically stated in the chapter and is hereinafter referred to as the existing building code.

12-902. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the existing building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-903. Violations and penalty. It shall be unlawful for any person, firm or corporation to violate the provisions of this code, or cause same to be done, in conflict with or in violation of any of the provisions of the code.

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

CHAPTER 10**ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES CODE****SECTION**

12-1001. Accessible and usable buildings and facilities adopted.

12-1002. Available in recorder's office.

12-1003. Violations and penalty.

12-1001. Accessible and usable buildings and facilities adopted.

Pursuant to the authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-502, the A117.1 *Accessible and Usable Buildings and Facilities*, 2009 edition,¹ as prepared by the International Code Council, is hereby adopted in its entirety and incorporated by reference as part of this code and is hereinafter referred to as the accessible and usable buildings code. (Ord. #13/14-17, Jan. 2014)

12-1002. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the accessible and usable buildings code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #13/14-17, Jan. 2014)

12-1003. Violations and penalty. It shall be unlawful for any person, firm or corporation to violate the provisions of this code, or cause same to be done, in conflict with or in violation of any of the provisions of the code. (Ord. #13/14-17, Jan. 2014)

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

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. JUNKED MOTOR VEHICLES.
4. 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.
- 13-109. Reconstruction or removal of damaged or destroyed buildings.

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. (1995 Code, § 13-101)

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. (1995 Code, § 13-102)

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. (1995 Code, § 13-103)

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 building inspector/codes enforcement officer to cut such vegetation when it has reached a height of over one foot (1'). Excluded herefrom, any real property primarily used for agricultural purposes. (Ord. #09/10-06, Nov. 2009, modified)

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. (1995 Code, § 13-105)

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. (1995 Code, § 13-106)

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. (1995 Code, § 13-107)

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. (1995 Code, § 13-108)

13-109. Reconstruction or removal of damaged or destroyed buildings. (1) Any owner of a structure within the corporate limits of the town which is partially or totally damaged or destroyed by fire, explosion or other disaster shall within six (6) months of said damage to the structure apply for a building permit or demolition permit and begin removal of the structure in its entirety or rebuilding said structure in its entirety and obtain a certificate of occupancy for the same.

(2) In the event there is an extension of the building permit due to a delay in construction completion at the end of six (6) months there shall be no fine and the grace period for construction shall extend another six (6) months. In the event there is no extension of the building permit by the building inspector and the building is not rebuilt within said six (6) month period or in the event the building is not removed within said period of time, a fine of fifty dollars (\$50.00) per day shall be imposed upon the owner of the real property for a period of time not to exceed six (6) months from the date of the first fine until construction is complete. Should construction or demolition not be completed at the conclusion of the six (6) month period of fine imposition, the town shall have the right hereunder to take all appropriate legal action to force demolition and clearing of the property or to implement demolition and clearing on the property with all cost associated therewith to the town imposed as a lien upon the property.

(3) Any pre-existing damaged building shall be deemed damaged on the date of the final passage of this section for enforcement purposes. (Ord. #11/12-10, Nov. 2011)

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 feet (6') 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. (1995 Code, § 13-201)

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. Violations and penalty.

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 (1) or more of the following:

- (a) Wrecked,
- (b) Dismantled,
- (c) Inoperative,
- (d) Abandoned,
- (e) Discarded, or
- (f) Any vehicle not legally licensed as required by state law.

(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. (1995 Code, § 13-301, as amended by Ord. #10/11-06, April 2011)

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.

¹Municipal code reference

Disposal of abandoned motor vehicles: § 15-705.

(2) Any junked motor vehicle in an appropriate storage place or depository maintained in an officially designated place and manner by the town. (1995 Code, § 13-302)

13-303. Order to remove. Whenever any junked motor vehicle is found in the town in violation of this chapter, the building inspector 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. (1995 Code, § 13-303, modified)

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 building inspector 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. (1995 Code, § 13-304, modified)

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. (1995 Code, § 13-305)

13-306. Violations and penalty. 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. (1995 Code, § 13-306)

CHAPTER 4

SLUM CLEARANCE¹

SECTION

- 13-401. Findings of board.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When public officer may repair, etc.
- 13-407. When public officer may remove or demolish.
- 13-408. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints or orders.
- 13-411. Enjoining enforcement of order.
- 13-412. Additional powers of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation deemed unlawful.

13-401. 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. (1995 Code, § 13-501)

13-402. 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 town 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. (1995 Code, § 13-502)

13-403. "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. (1995 Code, § 13-503)

13-404. 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. (1995 Code, § 13-504)

13-405. 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. (1995 Code, § 13-505)

13-406. 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." (1995 Code, § 13-506)

13-407. 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. (1995 Code, § 13-507)

13-408. Lien for expenses; sale of salvage 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 (1) 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. (1995 Code, § 13-508)

13-409. 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 uncleanliness. (1995 Code, § 13-509)

13-410. 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 of general circulation 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 of Deeds of Jefferson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1995 Code, § 13-510, modified)

13-411. 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. (1995 Code, § 13-511)

13-412. 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 town 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. (1995 Code, § 13-512)

13-413. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town 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. (1995 Code, § 13-513)

13-414. 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 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 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 fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1995 Code, § 13-514, modified)

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.
6. ANNEXATION.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Application fees.

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. 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. #04/05-11, Oct. 2004)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (1995 Code, § 14-102)

14-103. Application fees.¹ Fees shall be charged to individuals or entities appearing before the Dandridge Planning Commission for the following requests:

- (1) Site plan review;
- (2) Rezoning;
- (3) Subdivision lots;
- (4) Annexations; and
- (5) Board of zoning appeals.

¹Application fees and amendments thereto are available in the office of the 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 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 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 #08/09-13, titled "Municipal Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance #08/09-13, and any amendments thereto, are published as separate documents and are of record in the office of the 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. (1995 Code, § 14-401)

¹Fees shall be charged to individuals or entities appearing before the Dandridge Historical Planning Commission. These are of record in the office of the town 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 (7) 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. (1995 Code, § 14-402)

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) To authorize the town's building inspector to perform such duties and inspection and grant approvals for specific projects that the commission designates. (1995 Code, § 14-403, modified)

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 Newly Revised*, 11th edition.

(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 (36 CFR part 67).

(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. The chairman or any two (2) members may call a special meeting to consider an urgent matter. (1995 Code, § 14-404, modified)

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 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 Tennessee Historical Commission.

(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 (3) 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 within six (6) months in the case of a preservation district and two months in the case of either a landmark or landmark site. After six (6) months for a district and two (2) 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 aldermen.

(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 boundary description and justification.

(c) A written statement of significance for the proposed preservation district.

(6) The town board of mayor and aldermen 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. (1995 Code, § 14-405, modified)

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 therefor.

(5) Expiration of a certificate of appropriateness: A certificate of appropriateness shall expire twelve (12) months after its issuance except that a certificate shall expire if work has not begun within six (6) months of its issuance. When a certificate has expired, an applicant may seek a new certificate.

(6) Resubmitting of applications: Twelve (12) 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. (1995 Code, § 14-406)

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. (1995 Code, § 14-407)

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 (8) 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 (8) days before such hearing and by posting such notice.

(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. (1995 Code, § 14-408, modified)

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. (1995 Code, § 14-409)

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 residential code and the town's building code. (1995 Code, § 14-410)

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 Tennessee Historical Commission 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 (30) 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. (1995 Code, § 14-411, modified)

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. (1995 Code, § 14-412)

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. (1995 Code, § 14-413)

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. (1995 Code, § 14-414)

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 requirement fees.
- 14-510. General criteria.
- 14-511. Adjustments.
- 14-512. Final inspection.
- 14-513. Appeals.
- 14-514. Violations and penalty.

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. (1995 Code, § 14-501)

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. (1995 Code, § 14-502)

14-503. Definitions. (1) "Building permit." A general permit issued authorizing any owner, authorized agent, or contractor to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to perform any or to cause any such work to be done.

(2) "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.

(3) "Developer." The owner or person, firm, partnership, or corporation authorized by the owner to carry out the development of the land.

(4) "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.

(5) "Development standards board of appeals." The body which has been delegated the authority by the Board of Mayor and Aldermen 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.

(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. (1995 Code, § 14-503)

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. (1995 Code, § 14-504)

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, town, 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.

The fees for obtaining a grading permit shall be as follows:

| | |
|---------------------|--|
| Residential grading | \$10.00 |
| Commercial grading | \$25.00 for first acre \$10.00 for each additional acre |

If over five (5) acres, approval must be obtained from the Tennessee Department of Environment and conservation. (1995 Code, § 14-505, as amended by Ord. #02/03-07, Oct. 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. (1995 Code, § 14-506)

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 (10) 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. (1995 Code, § 14-507)

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. (1995 Code, § 14-508)

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 aldermen, at its discretion, may set fees for obtaining a grading permit. If a permit fee schedule is established it shall be done by ordinance. (1995 Code, § 14-509)

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 twenty feet (20') 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. Stormwater runoff from drainage areas with five (5) 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 (1) 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 stormwater 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 five hundred feet (500') of open trench will be allowed at one (1) 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 six inches (6") thick for a minimum of fifty feet (50') 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 thirty (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. (1995 Code, § 14-510)

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 five (5) working days. Without a written approval, no adjustment shall be considered valid. (1995 Code, § 14-511)

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. (1995 Code, § 14-512)

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. (1995 Code, § 14-513)

14-514. Violations and penalty. 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 of not more than fifty dollars (\$50.00) for each separate offense, and each day's violation shall constitute a separate offense. (1995 Code, § 14-514)

CHAPTER 6**ANNEXATION****SECTION**

14-601. Classification of districts.

14-601. Classification of districts. All property annexed into the town's corporate limits shall be reviewed by the Dandridge Regional Planning Commission for appropriate zoning. The Dandridge Regional Planning Commission shall recommend a zoning district within the plan of services. The board of mayor and aldermen shall classify all newly annexed property with a specific zone within the plan of services for annexation. (Ord. #16/17-06, Oct. 2016)

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.
- 15-113. Driving through funerals or other processions.

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.

- 15-114. 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. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.
- 15-122. Compliance with financial responsibility law required.
- 15-123. Adoption of state traffic statutes.

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. (1995 Code, § 15-101)

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. (1995 Code, § 15-102)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1995 Code, § 15-103)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1995 Code, § 15-104)

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. (1995 Code, § 15-105)

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. (1995 Code, § 15-106)

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. (1995 Code, § 15-107)

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 city/town unless otherwise directed by a police officer.

No person shall willfully fail or refuse to comply with any lawful order of any police officer invested by law with the authority to direct, control or regulate traffic.

15-109. General requirements for traffic-control signs, etc. Pursuant to *Tennessee Code Annotated*, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*,² and shall be uniform as to type and location throughout the town.

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509

¹For the latest revision of the *Tennessee Manual on Uniform Traffic* (continued...)

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. (1995 Code, § 15-110)

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. (1995 Code, § 15-111)

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. (1995 Code, § 15-112)

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. (1995 Code, § 15-113)

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. (1995 Code, § 15-114)

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. (1995 Code, § 15-115)

(...continued)

Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*

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. (1995 Code, § 15-116)

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 inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1995 Code, § 15-117)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" *Tennessee Code Annotated*, title 55, chapter 1, or the "Uniform Classified and Commercial Driver License Act of 1988" *Tennessee Code Annotated*, title 55, chapter 50. (modified)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1995 Code, § 15-120)

15-120. 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. (1995 Code, § 15-121)

15-121. 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. (1995 Code, § 15-122)

15-122. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, 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 notice 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. 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.

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected.

15-123. Adoption of state traffic statutes. By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the city/town adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the city/town adopts *Tennessee Code Annotated*, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-8-199 by reference as if fully set forth in this section.

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. (1995 Code, § 15-201)

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

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') 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. (1995 Code, § 15-202)

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 feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1995 Code, § 15-203)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or police officer. (1995 Code, § 15-204)

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. (1995 Code, § 15-301)

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. (1995 Code, § 15-302)

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 ninety (90) minutes before the opening hour of a school or a period of ninety(90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1995 Code, § 15-303, modified)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by proper authority. (1995 Code, § 15-304)

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 (1995 Code, § 15-401)

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. (1995 Code, § 15-402)

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. (1995 Code, § 15-403)

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. (1995 Code, § 15-404)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

15-405. U-turns. U-turns are prohibited. (1995 Code, § 15-405)

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'). (1995 Code, § 15-406)

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. (1995 Code, § 15-407)

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 *Tennessee Code Annotated*, § 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. (1995 Code, § 15-408)

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. When emerging from alleys, etc.
15-502. To prevent obstructing an intersection.
15-503. At "stop" signs.
15-504. At "yield" signs.
15-505. At traffic-control signals generally.
15-506. At flashing traffic-control signals.
15-507. Stops to be signaled.
15-508. Overtaking and passing school or church bus--markings--discharging passengers--penalties.

15-501. 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. (1995 Code, § 15-502)

15-502. 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. (1995 Code, § 15-503)

15-503. 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. (1995 Code, § 15-504)

15-504. 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. (1995 Code, § 15-505)

15-505. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) 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. (1995 Code, § 15-506)

15-506. 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. (1995 Code, § 15-507)

15-507. 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. (1995 Code, § 15-508)

15-508. Overtaking and passing school or church bus -- markings--discharging passengers -- penalties. (1) (a) 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.

(b) (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.

(c) 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

¹State law reference

Tennessee Code Annotated, § 55-8-143.

and until all children whose destination causes them to cross the road or highway at that place have negotiated such crossing.

(d) 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.

(e) 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.
(1995 Code, § 15-509, modified)

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.
- 15-608. Parking in subdivision rights-of-way.
- 15-609. Exemptions.

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 inches (18") 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 inches (18") 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. (1995 Code, § 15-601, modified)

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 feet (24'). (1995 Code, § 15-602)

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 (1) 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. (1995 Code, § 15-603)

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 feet (15') thereof.
- (4) Within fifteen feet (15') of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty feet (50') of a railroad crossing.
- (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the town.
- (12) Within any town parking lot for a continuous period between 9:00 P.M. and 6:00 A.M.
- (13) Within or in front of a fire lane in any parking area open to the public regardless of the same being publicly or privately owned. (1995 Code, § 15-604, as amended by Ord. #06/07-20, March 2007)

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. (1995 Code, § 15-605)

15-606. Time limitations.¹ Customers only parking shall be posted as such with said restrictions existing between the hours of 8:00 A.M. and 6:00 P.M. Monday through Saturday. A violation of the restrictions in said street parking spaces shall be punishable by a fine of fifty dollars (\$50.00) for each violation in the Dandridge town court. Said restrictions stated herein shall not apply to any present or future handicap parking space within the downtown business district.

Customers shall be defined as any business customer or any professional office customer, client or patient. Customer shall also include any other professional who is engaged in professional activity and required to attend a proceeding or hearing at any professional office or the courthouse or town hall. Customer shall also include any person or public official who is conducting business at the courthouse or town hall. (Ord. #08/09-21, June 2009)

¹The master plan is on file and available for review at town hall.

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. (1995 Code, § 15-607)

15-608. Parking in subdivision rights-of-way. No vehicle shall be parked along the curb within any subdivision or in any subdivision right-of-way within the Town of Dandridge between the hours of 7:00 A.M. and 5:00 P.M. during any weekday.

There shall be placed by the town or the subdivision homeowner's association or developer at the entrance to the subdivision at least one (1) street sign advising that no parking shall be allowed in the subdivision streets or rights-of-way between the hours of 7:00 A.M. and 5:00 P.M. Monday through Friday.

Nothing contained herein shall prohibit the parking of utility provider vehicles, delivery vehicles, and/or service provider delivery vehicles from parking along the curb within any subdivision during the hours of 7:00 A.M. and 5:00 P.M. while their services are being rendered within the subdivision. (Ord. #06/07-09, Dec. 2006, modified)

15-609. Exemptions. Each business owner or professional shall be allowed to park for a time in a parking space adjacent to their business or professional office for up to a thirty (30) minute period for the purpose of loading and unloading at their business. Each resident of the downtown business district shall be allowed to park in one (1) parking space at anytime without time limits. (Ord. #08/09-21, June 2009, as amended by Ord. #11/12-07, Oct. 2011, modified)

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. Violations 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, 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 town court at a specified time. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1995 Code, § 15-701, modified)

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. (1995 Code, § 15-702)

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. (1995 Code, § 15-703)

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 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)

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

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. (1995 Code, § 15-704)

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. (1995 Code, § 15-705)

15-706. Violations and penalty. Any violation of this title shall be a civil offense 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 of Dandridge a civil penalty of ten dollars (\$10.00) for each citation and waiving their right to a judicial hearing. If a violator does not dispose of the citation as here and above provided their civil penalty shall be from ten dollars (\$10.00) to fifty dollars (\$50.00). (1995 Code, § 15-706, as amended by Ord. #05/06-19, April 2006, modified)

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. Skateboarding 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. (1995 Code, § 16-101)

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 feet (14') or over any sidewalk at a height of less than eight feet (8'). (1995 Code, § 16-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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. (1995 Code, § 16-103)

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 (1995 Code, § 16-104)

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. (1995 Code, § 16-105)

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. (1995 Code, § 16-106)

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. (1995 Code, § 16-107)

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. (1995 Code, § 16-108)

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. (1995 Code, § 16-109)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or

¹Municipal code reference

Building code: title 12, chapter 1.

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. (1995 Code, § 16-110)

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. (1995 Code, § 16-111)

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. (1995 Code, § 16-112)

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. (1995 Code, § 16-113)

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. (1995 Code, § 16-114)

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. (1995 Code, § 16-115)

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 building inspector is working, and said permit shall be retroactive to the date when the work was begun. (1995 Code, § 16-201, modified)

16-202. Applications. Applications for such permits shall be made to the building inspector, 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

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).

ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the building inspector within twenty-four (24) hours of its filing. (1995 Code, § 16-202, modified)

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 feet (25') 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. (1995 Code, § 16-203)

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. (1995 Code, § 16-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. 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. (1995 Code, § 16-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in 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 building inspector 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. (1995 Code, § 16-206, modified)

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 building inspector in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident, and for property damages not less than twenty-five thousand dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollar (\$75,000.00) aggregate. (1995 Code, § 16-207, modified)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the 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 building inspector. (1995 Code, § 16-208, modified)

16-209. Supervision. The building inspector 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. (1995 Code, § 16-209, modified)

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 building inspector. 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 inches (15") in diameter. When two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') 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. (1995 Code, § 16-210, modified)

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. (1995 Code, § 16-301)

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. (1995 Code, § 16-302)

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. (1995 Code, § 16-303)

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—fifty feet (50'). 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—forty feet (40'). 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—forty feet (40'). 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)—forty feet (40'). Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

(5) Alleys—twenty feet (20'). 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 feet (10') 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. (1995 Code, § 16-304)

16-305. Corners. All lot corners shall be marked with iron pipe not less than three-fourths inches (3/4") in diameter and twenty-four inches (24") 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. (1995 Code, § 16-305)

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 feet (2') below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve inches (12") 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 inches (12") 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 feet (2') from the edge thereof.

The developer shall do and bear all the costs of the grading and related work required by this section. (1995 Code, § 16-306)

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 inches (12"). 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 (1') below the road-bed. Developer shall do and bear all costs required of this section. (1995 Code, § 16-307)

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 (1") 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 inches (6"). Developer shall do and bear all cost related to this section. Minimum pavement widths shall be twenty-four feet (24') unless special permission is granted by the board of mayor and aldermen for lesser width. (1995 Code, § 16-308)

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. (1995 Code, § 16-309)

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. (1995 Code, § 16-310)

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 one thousand dollars (\$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. (1995 Code, § 16-311)

TITLE 17**REFUSE AND TRASH DISPOSAL****CHAPTER**

1. SOLID WASTE.
2. RECYCLABLES.

CHAPTER 1**SOLID WASTE****SECTION**

- 17-101. Definitions.
- 17-102. Responsibility for administration.
- 17-103. Premises to be kept clean.
- 17-104. Prohibited practices.
- 17-105. Prohibited substances.
- 17-106. Eligible units.
- 17-107. Accumulation of refuse.
- 17-108. Yard waste.
- 17-109. Nurserymen, lawn services; duty to remove trash.
- 17-110. Residential solid waste.
- 17-111. Commercial solid waste.
- 17-112. Schedule of fees for disposal of garbage and refuse and frequency of collection.
- 17-113. Violations and penalty.

17-101. Definitions. (1) "Ashes." The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(2) "Bulk container." The term "bulk container" shall mean steel waste receptacles of not less than two (2) cubic yards and not more than eight (8) cubic yards designed for the storage of solid waste. The containers shall meet industry standards for service.

(3) "Collector." The term "collector" shall mean any person, firm, corporation, or political subdivision that collects, transports, or disposes of any refuse within the corporate limits of the Town of Dandridge.

(4) "Commercial solid waste." The term "commercial solid waste" shall mean solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities.

(5) "Construction waste." The term "construction waste" shall mean materials from construction, demolition, remodeling, construction site

preparation, including but not limited to rocks, trees, debris, dirt, bricks, fill, plaster, and all types of scrap building materials.

(6) "Garbage." The term "garbage" shall include all putrescible waste, except sewage and body waste, including vegetable and animal offal and carcasses of dead domesticated animals at the discretion of the public works superintendent, but excluding recognizable industrial byproducts, from all public and private residences.

(7) "Grass clippings." The term "grass clippings" shall mean any residue remaining from the cutting, clipping, or trimming of grass from any home, business, or agricultural endeavor.

(8) "Hazardous refuse." The term "hazardous refuse" shall mean any chemical compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, infectious, or otherwise harmful.

(9) "Health officer." The term "health officer" shall mean the Public Works Superintendent of the Town of Dandridge or his authorized representative.

(10) "Industrial waste." The term "industrial waste" shall mean all such wastes peculiar to industrial, manufacturing or processing plants and shall include hazardous refuse.

(11) "Infectious wastes." The term "infectious waste" means waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. For purposes of this policy, the following waste shall be considered to be infectious waste:

(a) Isolation wastes. Wastes contaminated by patients who are isolated due to communicable disease, as provided in *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*.

(b) Cultures and stocks of infectious agents and associated biologicals. Cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.

(c) Human blood and blood products. Waste human blood and blood products such as serum, plasma, and other blood components.

(d) Pathological wastes. Pathological wastes, such as tissues, organs, body parts, and body fluids.

(e) Contaminated sharps. All discarded sharps (e.g. hypodermic needles, syringes, Pasteur pipettes, broken glass, scalpel blades) used in

patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.

(f) Contaminated animal carcasses, body parts, and bedding. Contaminated carcasses, body parts (including fluids), and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or in the in vivo testing of pharmaceuticals.

(g) Facility-specified infectious wastes. Other wastes determined to be infectious by a written facility policy.

(12) "Pronouns." The pronouns he, him and his shall refer to persons of the female as well as the male gender, as applicable.

(13) "Residential solid waste." The term "residential solid waste" shall mean solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities. This also excludes specific wastes defined and/or included in other parts of this chapter.

(14) "Roll out container." The term "roll out container" shall mean a standard town issued ninety-six (96) gallon container designed for the storage of solid waste prior to collection.

(15) "Rubbish." The term "rubbish" shall include all non-putrescible waste materials except ashes from all public and private residences and establishments.

(16) "Sanitation fee." The term "sanitation fee" shall mean the fee(s) imposed at the Town of Dandridge for collection and disposal of solid waste and recyclables.

(17) "Solid waste." The term "solid waste," as hereinafter referred to in this chapter, shall include garbage, rubbish, and all other putrescible and non-putrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce, and other similar unwanted materials, from residences and establishments, public and private, but shall not include sewage, body waste, recognizable industrial or medical by-products.

(18) "Yard waste." The term "yard waste" shall mean, leaves, tree and shrubbery trimmings. (Ord. #13/14-05, June 2013, modified)

17-102. Responsibility for administration. (1) The public works superintendent, or his authorized representative, shall have the authority to make and modify regulations as necessary concerning the days of collection, location of containers, and such other matters pertaining to the collection, transporting and disposal of solid waste refuse; provided that such regulations are not in violation of the provisions of this chapter.

(2) The public works superintendent, or his authorized representative, shall be responsible for the enforcement of this chapter.

(3) All refuse (including garbage and rubbish) as heretofore defined shall be collected sufficiently and frequently, as determined by the codes enforcement officer or public works superintendent, to prevent the occurrence

of nuisances and public health problems. The collection of refuse within the Town of Dandridge shall be under the jurisdiction of the public works superintendent. (Ord. #13/14-05, June 2013)

17-103. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the Town of Dandridge are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. All persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner so as not to cause a nuisance or become injurious to the public health and welfare. (Ord. #13/14-05, June 2013)

17-104. Prohibited practices. (1) It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the Town of Dandridge.

(2) The disposal of refuse in any quantity by an individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites designated and/or with properly approved permits from the Division of Solid Waste Management of the Tennessee Department of Environment and Conservation is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the public works department under Division of Solid Waste Management of the Tennessee Department of Environment and Conservation guidelines. Such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal.

(3) It shall be unlawful for any person, firm, or corporation to burn or attempt to burn refuse on private or public property within the corporate limits of the Town of Dandridge unless complying with all state regulations to do so. (Ord. #13/14-05, June 2013, modified)

17-105. Prohibited substances. (1) Substances prohibited from pick-up and, which shall not be deposited in garbage containers include, but are not limited to:

(a) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.

(b) Any material that could be hazardous or injurious to town employees or which could cause damage to town equipment.

(c) Hot materials such as ashes, cinders, etc.

(d) Human or animal waste, which shall be prohibited unless it is placed and secured in a plastic bag.

(e) Infectious wastes and hypodermic syringes. Used hypodermic syringes shall not be placed with other waste for collection by the Town of Dandridge, but be disposed of by a licensed medical waste disposal firm.

(f) "Construction waste." The removal and disposal of such materials shall be the responsibility of the construction contractor, developer or property owner.

(g) Rocks, dirt, bricks, concrete, broken glass and sharp metal glass. (Ord. #13/14-05, June 2013)

17-106. Eligible units. (1) The following are units that are eligible for sanitation service by the Town of Dandridge:

(a) Residential units. All residential units within the town limits are eligible to be serviced by the town subject to the following exceptions:

(i) Multi-housing facilities (apartment complexes, trailer parks, etc.). The town may provide service to multi-housing facilities if determined feasible by the public works superintendent. If not feasible, no service by the town shall be rendered and alternate arrangements for sanitation disposal must be made and proof of those arrangements provided to the public works superintendent.

(ii) Lot hardship. Due to extreme terrain or an extremely long private driveway, the public works superintendent may issue a waiver of service as requested by the tenant of the residence.

(b) Commercial units. Commercial units may be serviced by the town at the request of the business owner (see § 17-111). If requested, the public works superintendent shall determine the feasibility of service and shall determine if the service will be provided. The Town of Dandridge does not service bulk containers and the business must be serviced using the standard ninety-six (96) gallon containers. If the business owner decides not to have the town service the unit or if the public works superintendent determines it is not feasible to service the unit, alternate arrangements for sanitation disposal must be made by the business owner and proof of those arrangements provided to the public works superintendent.

(c) Industrial units. The town shall not provide sanitation service to industrial units. Alternative arrangements must be made and proof of the arrangements provided to the public works superintendent.

(2) The Town of Dandridge reserves the right to refuse service to any occupant, tenant, owner, or business for any lawful reason and/or if guilty of severe or repeated violations of this chapter or for hampering or interfering with employees of the public works department in the discharge of their duties hereunder, and shall have the authority to require proof of alternate arrangements should service be refused. Should service be refused, the occupant, tenant, owner, or business may, within five (5) working days, submit a written appeal to the town administrator. The town administrator shall,

within five (5) working days of receipt of an appeal, issue a written response, upholding, vacating, or modifying the decision. (Ord. #13/14-05, June 2013)

17-107. Accumulation of refuse. Each owner, occupant, tenant, subtenant, lessee or others, using or occupying any building, house, structure, or grounds within the corporate limits of the Town of Dandridge where refuse materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the public works superintendent for the storage of such refuse. (Ord. #13/14-05, June 2013)

17-108. Yard waste. Leaves, lawn clippings, brush, etc.:

(1) The public works superintendent shall not be responsible to remove leaves and lawn clippings unless said leaves and lawn clippings have been disposed of in bags and placed at curbside. From November 1 through January 31, leaves and lawn clippings may be piled curbside for pickup without the need for bagging. Both bagged and non-bagged leaves and grass clippings placed curbside must be placed at least four feet (4') from any mailbox, trash container, power pole, or any other obstruction; in addition, leaves and grass clippings must not be placed under overhead lines, trees, or any other obstructions.

(2) The collecting agency of the town shall not be responsible to remove any brush, trunks, or limbs of trees unless said brush shall have been cut into lengths of not more than ten feet (10'). The trunks or limbs of trees measuring fifteen inches (15") or more in diameter shall be cut into lengths of not more than six feet (6') and of a weight of no more than seventy-five (75) pounds, and all of said material shall be piled at curbside. Brush, trunks, or limbs of trees must be placed at least four feet (4') from any mailbox, trash container, power pole, or any other obstruction; in addition, brush, trunks, or limbs of trees must not be placed under overhead lines, trees, or any other obstructions. (Ord. #13/14-05, June 2013)

17-109. Nurserymen, lawn services; duty to remove trash. Every nurseryman, lawn service, or other person who cuts trees or trims shrubs or grass as an independent contractor shall remove or cause to be removed all such trash, brush or any refuse from the premises serviced by him. (Ord. #13/14-05, June 2013)

17-110. Residential solid waste. (1) All residents shall maintain sufficient town issued ninety-six (96) gallon regulation containers to properly store one (1) week's accumulation of refuse (including garbage and rubbish).

(2) The public works superintendent may require any residential household regularly exceeding ninety-six (96) gallons or two hundred (200) pounds of garbage in a collection period, to make other approved disposal arrangements, or to purchase a second container from the town.

(3) The solid waste department shall not be obligated to provide service where adequate containers are not provided.

(4) The owner or developer of all new, residential construction and development, within the Town of Dandridge, shall purchase, at their expense, a town-supplied garbage container for that residence or housing unit, which shall become the property of the Town of Dandridge. As a condition of the issuance of the town building permit, the owner or developer shall pay the container fee currently in effect for the town-approved container that will remain at that address. This fee is payable to the town when the building permit is issued.

(5) The containers shall remain the property of the town at the property address where delivered, and are provided and assigned to residences for the health, safety, convenience and general welfare of the occupants. Containers that are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant-users shall be replaced by the town at the expense of the occupants or the owner of the residence. Containers which are damaged in the course of normal and reasonable usage or which are damaged or destroyed, through no abuse, neglect, or improper use of the occupant-users or residence owner shall be repaired or replaced by the town at no charge to the occupant-users or residence owners. The containers shall not be damaged, destroyed, defaced, or removed from the premises by any person; markings and identification devices on the containers except as placed or specifically permitted by the town are expressly prohibited and shall be regarded as damage to the containers.

(6) It shall be unlawful for any person, other than the occupant-user, to move, remove, upset, scatter, tamper, use, carry away, deface, mutilate, destroy, damage or interfere with the garbage container, or any refuse left for collection.

(7) It shall be the responsibility of each occupant, on the scheduled day of collection, to place their container on the property side of the curb or street, or at the edge of the alley where serviceable alleys are available, or in a town approved location for pick-up, whichever option is permitted by the public works superintendent. Containers shall be placed in such a location as to be readily accessible for removal by the town. The container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Garbage containers shall not be placed, without the express permission of the town, on a public sidewalk, in the street, or in a drainage ditch. Each trash container must be placed at least four feet (4') from any mailbox, trash container, power pole, or any other obstruction; in addition, any trash container must not be placed under overhead lines, trees, or any other obstructions.

(8) Where service alleys are available, container shall be placed in a designated area on collection day.

(9) Construction waste and yard waste, as defined in this chapter, are hereby prohibited from being placed in the ninety-six (96) gallon or other town approved residential garbage collection containers.

(10) Town garbage collectors shall not enter houses, stores, garages, or open gates for the collection of garbage or rubbish, nor shall they accept any money or valuable gifts for their services from persons served.

(11) All garbage or refuse must be drained of all liquids and wrapped in plastic or other equivalent material prior to placing it in any storage receptacle. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other method as often as necessary to prevent the breeding of flies and the occurrences of offensive odors.

(12) Garbage and refuse shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.

(13) Collection of white goods stoves, refrigerators, freezers, window type air conditioners, shall be collected every other Wednesday per a schedule established by the public works superintendent. Refrigerators and freezers, shall have doors removed or secured and have all contents removed. White goods shall be stored out of public view until collection. The town shall not be responsible for the removal of water heaters, central heat and air systems or other commercially installed appliances.

(14) Eligible residential customers who are handicapped may request door-side pickup service by submitting a written request to the public works superintendent. (Ord. #13/14-05, June 2013)

17-111. Commercial solid waste. (1) The Town of Dandridge does not service bulk containers.

(2) Businesses using regulation ninety-six (96) gallon cans for collection shall provide sufficient containers to properly store one (1) week's accumulation of refuse. All businesses requiring any combination of more than two (2) regulation ninety-six (96) gallon containers for weekly service, or any combination of regulation ninety-six (96) gallon for multiple pickups in a week shall be charged an additional service charge as deemed by the public works superintendent. (Ord. #13/14-05, June 2013)

17-112. Schedule of fees for disposal of garbage and refuse and frequency of collection. (1) All eligible units, as determined in § 17-106, shall be assessed a compulsory monthly fee of eight dollars (\$8.00). The fee shall be collected on the monthly water bill, or in the instance no water bill is provided to that customer, a separate billing statement. Commercial users with additional containers or additional pickups per week may be charged an additional amount as determined in § 17-111.

(2) Nothing in this section shall prohibit commercial establishments or private residents from removing their own solid waste or from contracting with a private collector for such removal, provided said private collector shall have a valid permit or license to do business within the town. However, eligible private citizens as deemed in § 17-106 who remove their own waste or contract with a private collector for removal will still be subject to the monthly refuse collection service fee from the town. (Ord. #13/14-05, June 2013)

17-113. Violations and penalty. (1) Any person violating any of the provisions of this chapter or the conditions of any permit issued hereunder shall be served by the town with written notice stating the nature of the violation and providing up to ten (10) days' time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations. Service will be discontinued until such time as the violation is corrected.

(2) Any person who shall continue any violation beyond the time provided for in § 17-113(1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned by town personnel or equipment by reason of such violation. (Ord. #13/14-05, June 2013)

CHAPTER 2

RECYCLABLES

SECTION

- 17-201. Definitions.
- 17-202. Responsibility for administration.
- 17-203. Premises to be kept clean.
- 17-204. Prohibited practices.
- 17-205. Prohibited substances.
- 17-206. Policy of curbside recycling.
- 17-207. Recycling required.
- 17-208. Contract for collection and materials to be recycled.
- 17-209. Recycling containers.
- 17-210. Collection cost and compulsory service charge.
- 17-211. Orders to correct violations.
- 17-212. Violations and penalty.

17-201. 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) "Recyclables." The term "recyclables," as hereinafter referred to in this chapter, shall include any item approved by the public works superintendent for collection as a commodity designated for reuse or delivery to an established recycling center, from all residences and establishments, public and private, but shall not include hazardous waste, infectious waste, commercial, industrial or residential solid waste, sewage, body wastes, recognizable industrial or medical byproducts. Recyclables may include cardboard, aluminum, tin, steel, newspaper, used oil placed in a sealed plastic jug or any other item approved by the public works superintendent.

(7) "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.

(8) "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.

(9) "Solid waste" means any garbage or refuse, including without limitation, recyclable materials when they become discarded.

(10) "Solid waste stream" means the system through which solid waste and recoverable materials move from the point of discard to recovery or disposal.

(11) "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. #13/14-05, June 2013, modified)

17-202. Responsibility for administration. (1) The public works superintendent, or his authorized representative shall have the authority to make and modify regulations as necessary concerning the placement of recycling collection containers, hours of operation and or such other matters pertaining to the collection, transporting and disposal of recyclable materials; provided that such regulations are not in violation of the provisions of this chapter.

(2) The public works superintendent or his authorized representative shall be responsible for the enforcement of this chapter.

(3) All recyclables shall be collected sufficiently and frequently, as determined by the codes enforcement officer or public works superintendent, to prevent the occurrence of nuisance and public health problems. The collection of recyclables within the Town of Dandridge shall be under the jurisdiction of the public works superintendent.

(4) Persons utilizing the recycling program must place recyclables in a sealed plastic bag, container, or recycling can. Recycling cans up to ninety-six (96) gallons are permitted. (Ord. #13/14-05, June 2013)

17-203. Premises to be kept clean. All areas where containers are placed are hereby required to be kept in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash by the entity that operates and/or services the area. (Ord. #13/14-05, June 2013)

17-204. Prohibited practices. (1) It shall be unlawful for any person, firm or corporation to dump recyclables in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the Town of Dandridge.

(2) The disposal of recyclables in any quantity by an individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites designated and/or properly approved by the public works department of the Town of Dandridge. (Ord. #13/14-05, June 2013)

17-205. Prohibited substances. Substances prohibited from collection and shall not be deposited in recycling containers include, but are not limited to:

(1) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.

(2) Any material that could be hazardous or injurious to town employees or which could cause damage to town equipment.

(3) Hot materials such as ashes, cinders, etc.

(4) Human or animal waste shall be prohibited.

(5) Infectious waste and hypodermic syringes. (Ord. #13/14-05, June 2013)

17-206. 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. (1995 Code, § 20-102)

17-207. 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. (1995 Code, § 20-103)

17-208. 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 § 17-207 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. (1995 Code, § 20-104)

17-209. Recycling containers. The contractor shall supply the recycling containers. (1995 Code, § 20-105)

17-210. Collection cost and compulsory service charge. Contract services for the collection of recyclable materials are estimated to cost thirteen thousand dollars (\$13,000.00) annually. The Town of Dandridge is empowered by art. VIII, § 2, subsection (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 town governments. A one dollar (\$1.00) per month compulsory recycling service charge is hereby imposed on every residential unit described in § 17-207. 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 § 17-207. 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. (1995 Code, § 20-106)

17-211. 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. (1995 Code, § 20-107)

17-212. Violations and penalty. (1) Any person violating any of the provisions of this chapter or the conditions of any permit issued hereunder shall be served by the town with written notice stating the nature of the violation and providing up to ten (10) days' time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations. Service will be discontinued until such time as the violation is corrected.

(2) Any person who shall continue any violation beyond the time provided for in § 17-206(1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned by town personnel or equipment by reason of such violation. (Ord. #13/14-05, June 2013)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER SYSTEM ADMINISTRATION.
2. CROSS-CONNECTION REGULATIONS.
3. GENERAL WASTEWATER REGULATIONS.
4. INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS.
5. FATS, OILS AND GREASE.
6. CONTROL AND OPERATION OF THE WATERWORKS AND SEWAGE SYSTEMS.

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. Connections to water main.
- 18-108. Main extensions to developed or other areas.
- 18-109. Water and sewer main variances.
- 18-110. Connection and extension improvement responsibility.
- 18-111. Meters.
- 18-112. Meter tests.
- 18-113. Multiple services through a single meter.
- 18-114. Billing and payment.
- 18-115. Discontinuance or refusal of service.
- 18-116. Re-connection charge.
- 18-117. Termination of service by customer.
- 18-118. Access to customers' premises.
- 18-119. Inspections.

¹Municipal code references

Building, utility and residential: title 12.

Refuse disposal: title 17.

²The Utility Policy for the Town of Dandridge is established by ordinance which (along with any amendments) is of record in the recorder's office.

- 18-120. Customer's responsibility for system's property.
- 18-121. Customer's responsibility for violations.
- 18-122. Supply and resale of water.
- 18-123. Unauthorized use of or interference with water supply.
- 18-124. Limited use of unmetered private fire line.
- 18-125. Damages to property due to water pressure.
- 18-126. Liability for cutoff failures.
- 18-127. Restricted use of water.
- 18-128. Interruption of service.
- 18-129. Schedule of rates.
- 18-130. Leak protection policy program.
- 18-131. Procedure for private pay water and sewer line extensions.
- 18-132. Fee schedule for micro-bacteriological sample testing.

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. (1995 Code, § 18-101)

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 twelfth (12th) 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. (1995 Code, § 18-102, modified)

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. (1995 Code, § 18-103)

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 associated fees, 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 associated fees made by such applicant. (1995 Code, § 18-104, modified)

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. (1995 Code, § 18-105)

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 water and sewer schedules, which may be found in the recorder's office.

FEE SCHEDULE

| | | | | |
|--|--------------|--------------|--------------|----------------------|
| Water Account Setup Fee | \$100.00 | | | |
| <u>New water and sewer tap</u> | <u>Total</u> | <u>Water</u> | <u>Sewer</u> | <u>Account Setup</u> |
| Residential-Inside City | \$2,100.00 | \$1,000.00 | \$1,000.00 | \$100.00 |
| Residential-Inside City (before 1972) | \$1,200.00 | \$1,000.00 | \$100.00 | \$100.00 |
| Residential-Outside City | \$3,100.00 | \$1,500.00 | \$1,500.00 | \$100.00 |
| Commercial/Industrial - Inside City | \$3,100.00 | \$1,500.00 | \$1,500.00 | \$100.00 |
| Commercial/Industrial - Outside City | \$4,100.00 | \$2,000.00 | \$2,000.00 | \$100.00 |
| Deerwood | \$3,100.00 | \$3,000.00 | ---- | \$100.00 |

| Tap type and size* | Total | Water | Sewer |
|--------------------|-------------|-------------|-------------|
| 1" | \$2,000.00 | \$1,000.00 | \$1,000.00 |
| 1 ½" | \$4,000.00 | \$2,000.00 | \$2,000.00 |
| 2" | \$6,000.00 | \$3,000.00 | \$3,000.00 |
| 4" | \$14,000.00 | \$7,000.00 | \$7,000.00 |
| 6" | \$22,000.00 | \$11,000.00 | \$11,000.00 |

*Increase in tap size cost shall be and added to corresponding tap fee structure.

OTHER FEES

| | |
|---|--------------------------------------|
| Sprinkler supply line | \$1,000.00 per inch |
| Fire hydrant tap fee | \$1,000.00 tap only |
| Fire hydrant meter rental | \$100.00 plus billed |
| | Outside city industrial rate \$10.00 |
| Backflow test | above current bid per device |
| NSF (non-sufficient funds)/ return payment fee | \$25.00 |
| Credit/debit card convenience fee | 2.75% |
| E-one pump | \$2,500.00 |
| Re-connection fee | \$50.00 |
| Cleaning/inspection fee (three (3) days only) | \$50.00 |
| FOG fee | \$200.00 annually |
| Standard plans review fee | \$350.00 |
| Engineering fee | \$95.00 hourly |
| Bacteriological testing | |
| State certified utilities | \$25.00 |
| Private companies, developers and individuals | \$100.00 |
| Monthly water/sewer protection | |
| Water bill protection | \$1.30 monthly |
| Water and sewer bill protection | \$1.80 monthly |
| Water line protection | \$5.00 monthly |
| Sewer line protection | \$6.50 monthly |
| Meter test | |
| Internal | \$50.00 |
| Outsource | \$100.00 |
| Repair fees | |
| Labor | \$25.00 hourly |
| Backhoe/excavator | \$65.00 hourly |
| Materials | Current market cost |
| (1995 Code, § 18-106, as amended by Ord. #04/05-24, May 2005, Ord. #07/08-06, Sept. 2007, and Ord. #18/19-02, Aug. 2018, and Ord. #18/19-06, Jan. 2019, modified) | |

18-107. Connections to water main. Connection charges shall be used to pay the cost of laying such a new service line (not to exceed fifty feet (50') and appurtenant equipment, where there is an existing water main. If more than fifty feet (50') 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 connection on customer's side belongs to and shall be the responsibility of the customer. (Ord. # 18/19-06, Jan, 2019)

18-108. Main extension to developed or 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, material shall meet current American Water Works Association Standards, be approved by superintendent, not less than four inches (4") in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants, where required by superintendent, may be placed on such lines at locations no further than one thousand feet (1,000') from the most distant part of any dwelling structure and no further than five hundred feet (500') from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; pipe two inches (2") in diameter, to supply dwellings only, may be used to supplement such lines. Construction work and pipe material must meet AWWA Standards and Dandridge Water Management Facility Construction Specifications. All such lines shall be installed either by town forces or by other forces working directly under supervision of the town.

Upon completion of such extension and their approval by the town, such water mains and infrastructure 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. There shall be no reimbursement or compensation to the person or persons paying the cost of such water main extension. (Ord. #18/19-06, Jan. 2019, modified)

18-109. Water and sewer main 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 alderman.

The authority to make water main extension under §§18-107 mid 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. (Ord. #18/19-06, Jan. 2019)

18-110. Connection and extension improvement responsibility. The provisions of this section shall apply to all areas mentioned in the preceding sections. Customers desiring water service or extensions pursuant to this section must pay all of the cost of making such connection or extensions. Included in the requirement is any cost for upgrade, expansion or extension of existing town utilities, in order to serve or meet the needs or desires of the property or development. Any desire for enhanced services such fire hydrants, increased pressure, increased demand on current water volume or quality or capacity of service infrastructure above the current infrastructure capabilities will be the cost of that entity. (Ord. #18/19-06, Jan. 2019)

18-111. Meters. All meters shall be installed, tested, repaired, operated by 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. (1995 Code, § 18-110, modified)

18-112. 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 register results within the accuracy limits set in the AWWA Standards.

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.

¹Municipal code reference

Procedures for private pay water and sewer line extensions: 18-130.

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1995 Code, § 18-111, modified)

18-113. Multiple services through a single meter. No customer shall supply water service and sewer service to more than one (1) 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 (1) 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 amount for water and sewer charge and sanitation charge for which each such dwelling or premise would receive through a separately metered service shall be computed at the town's applicable water, sewer and sanitation 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. If the town identifies an unapproved connection, the residence has ninety (90) days to pay for an additional tap per dwelling. (Ord. #13/14-20, Jan. 2014, modified)

18-114. Billing and payment. Bills for service will be rendered monthly.

Water bills must be paid or received on or before 4:00 P.M. on 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. Bill provided serves as final notice.

If the bill is not paid on or before 4:00 P.M. on the 10th day after the discount date, the town shall discontinue services and 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.

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.

Payments for goods and services may be made by cash, check or debit or credit card, or money order.

Payments by debit or credit card must be a Visa, Discover or MasterCard. If a debit or credit card is used in person, the employee receiving the payment shall obtain proof of identification, expiration date of the card and compare the signature on the card to the sales draft signature and if payment is used by telephone or internet, the employee receiving the payment shall verify the expiration date of the card, the number on the rear of the card, and the

cardholder's billing address. The town shall also collect a processing fee in the exact amount equal to the amount that the town is charged by a third party who processes the payment. No cash advances or cash returns shall be made on cards presented. If the debit or credit card is rejected by the processing company at the time it is presented, payment will be required at that time by cash, check or another Visa, Discover or MasterCard which is accepted.

If a payment by credit card is not honored by the credit card company issuing the card the town will collect a service charge from the person presenting the card. The amount of the service charge shall be the same amount as the fee charged for a returned check drawn on an account with insufficient funds. (This section does not apply if an electronic device is used to conduct the transaction, the card, and cardholders are present, and the person who takes the card learns of the declination of the credit card or debit card at the time the transaction is processed.) If for any reason a "charge back" is received by the town, the charge back shall be treated as non-payment of the customer's account and will be subject to forfeiture of the discount and/or the adding of any penalties and other fees due and subject to the town's cut-off policy. ("Charge backs" occur when a customer disputes the charges on their card and the customer's credit card company charges back the charge to the town's credit company.) The DWUF shall not be obligated to make adjustments of any bills not contested within sixty (60) days from the billing date. (Ord. #07/08-14, Jan. 2008, modified)

18-115. 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. Bill is considered final notice.

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 bill who has not remitted payment and feels the disconnect is not warranted shall be entitled to have a hearing regarding the bill provided they notify and schedule a conference with the superintendent or designee 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 superintendent or designee, 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. (1995 Code, § 18-114, modified)

18-116. Re-connection charge. When service has been discontinued pursuant to § 18-115, a reconnection charge of fifty dollars (\$50.00) shall be collected by the town before service is restored. (1995 Code, § 18-115, modified)

18-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the 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. (1995 Code, § 18-116)

18-118. 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. (1995 Code, § 18-117)

18-119. 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. (1995 Code, § 18-118)

18-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the 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. The town's property shall be free from obstruction such as landscaping or fencing. (1995 Code, § 18-119, modified)

18-121. 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. (1995 Code, § 18-120)

18-122. 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. (1995 Code, § 18-121)

18-123. 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. (1995 Code, § 18-122)

18-124. Limited use of unmetered private fire line. (1) 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.

(2) All private fire hydrants shall be sealed by the town, and shall be inspected by the fire department 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.

- (3) Repairs will be made by the water department.
- (4) Monthly reports shall be supplied by the fire department.
- (5) Fire lines shall have detector alerting use to water department or shall be metered. The cost for such shall be customer's responsibility. (1995 Code, § 18-123, modified)

18-125. 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. (1995 Code, § 18-124)

18-126. 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.
- (4) Waiver if customer has tampered with meter.

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. (1995 Code, § 18-125, modified)

18-127. 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. (1995 Code, § 18-126)

18-128. 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. (1995 Code, § 18-127)

18-129. 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. (1995 Code, § 18-128)

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.

(3) Availability of town to construct referenced extensions is subject to superintendent discretion. (1995 Code, § 18-130, modified)

18-131. Leak protection policy program. The water department shall, for the residential customers of the town, offer a leak protection policy or program through water department or a third-party vendor. (modified)

18-132. Fee schedule for micro-bacteriological sample testing. The fees for conducting a micro-bacteriological test on raw water at the Dandridge Water Management Facility shall be:

| | |
|--|----------|
| State certified utilities | \$ 25.00 |
| Private companies, developers and individuals | \$100.00 |

(Ord. #08/09-07, Aug. 2008)

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

CHAPTER 2

CROSS-CONNECTIONS REGULATIONS¹

SECTION

- 18-201. Objectives.
- 18-202. Definitions.
- 18-203. Standards.
- 18-204. Regulated.
- 18-205. New installations.
- 18-206. Existing installations.
- 18-207. Inspections.
- 18-208. Right of entry for inspections.
- 18-209. Correction of violations.
- 18-210. Required devices.
- 18-211. Non-potable supplies.
- 18-212. Statement required.
- 18-213. Penalty; discontinuance of water supply.
- 18-214. Provision applicable.
- 18-215. Record keeping duration.

18-201. Objectives. This chapter sets forth uniform requirements for the protection of the public water system for the Dandridge Water Management Facility from possible contamination, and enable the Dandridge Water Management Facility to comply with all applicable local, state and federal laws, regulations, standards or requirements, including the Safe Drinking Water Act of 1996, *Tennessee Code Annotated*, §§ 68-221-701 to 68-221-720 and the Rules and *Tennessee Compilation of Rules and Regulations*, ch. 0400-45-01, titled "Public Water Systems." The objectives of this chapter are to:

- (1) To protect the public potable water system of Dandridge Water Management Facility from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into the public water system;
- (2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;
- (3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(4) To adopt and approve a working plan for the utility to carry out the requirements of this policy. (Ord. #09/10-19, July 2010, modified)

18-202. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this article:

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross-connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross-connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient

seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with American Waterworks Association publication *M14 Backflow Prevention and Cross-Connection Control: Recommended Practices*, fourth edition. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoir's exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Interconnection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device, which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(13) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private

corporation organized or existing under the laws of this or any other state or country.

(14) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Dandridge Water Management Facility water system, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Manager" shall mean the Manager or Superintendent of the Dandridge Water Management Facility or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (Ord. #09/10-19, July 2010, modified)

18-203. Standards. The Dandridge Water Management Facility shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Dandridge Water Management Facility shall comply with *Tennessee Code Annotated*, §§ 68-221-711, as well as the rules and regulations for public water systems and drinking water quality legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses, and interconnections; and shall establish an effective, ongoing program to control these undesirable water uses. (Ord. #09/10-19, July 2010)

18-204. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Dandridge Water Management Facility unless the water supply system is protected as required by this chapter. Service of water to any premises shall be discontinued by the Dandridge Water Management Facility if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross-connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection is at all times under the direction of the manager of the Dandridge Water Management Facility.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, representatives of the Dandridge Water Management Facility shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (Ord. #09/10-19, July 2010)

18-205. New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Dandridge Water Management Facility for approval. (Ord. #09/10-19, July 2010)

18-206. Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first

securing the appropriate approval from the Dandridge Water Management Facility. (Ord. #09/10-19, July 2010)

18-207. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved, and shall be established by the Dandridge Water Management Facility in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (Ord. #09/10-19, July 2010)

18-208. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Dandridge Water Management Facility public water system for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections, and shall be grounds for disconnection of water service. (Ord. #09/10-19, July 2010)

18-209. Correction of violations. (1) Any person found to have cross-connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Dandridge Water Management Facility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expedious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and *Tennessee Code Annotated*,

§ 68-221-711, within the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (Ord. #09/10-19, July 2010)

18-210. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Dandridge Water Management Facility that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within premises are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be approved by the Tennessee Department of Environment and Conservation and the Dandridge Water Management Facility. The method of installation of backflow prevention devices shall be approved by the Dandridge Water Management Facility prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Dandridge Water Management Facility as needing protection.

- (a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly; except

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(4) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) Minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by the Dandridge Water Management Facility who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the Dandridge Water Management Facility, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either;

- (i) The floor,
- (ii) The top of opening(s) in the enclosure; or
- (iii) Maximum flood level, whichever is higher.

Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Dandridge Water Management Facility. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the

same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of positive forty degrees Fahrenheit (+40°F) with an outside temperature of negative thirty degrees Fahrenheit (-30°F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the Dandridge Water Management Facility shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Dandridge Water Management Facility may require the installation of a duplicate device.

(p) The Dandridge Water Management Facility shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Dandridge Water Management Facility. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Dandridge Water Management Facility.

(6) Testing of devices. Devices shall be tested at least annually by the Dandridge Water Management Facility by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Dandridge Water Management Facility and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. (Ord. #09/10-19, July 2010)

18-211. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the Dandridge Water Management Facility, such coding is necessary to identify and protect the potable water supply. (Ord. #09/10-19, July 2010)

18-212. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Dandridge Water Management Facility a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross-connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (Ord. #09/10-19, July 2010)

18-213. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross-connection, auxiliary intake, bypass or interconnection has been eliminated. (Ord. #09/10-19, July 2010)

18-214. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Dandridge Water Management Facility and are hereby made part of the conditions required to be met for the Dandridge Water Management Facility to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is

essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the chapter is entitled to a due process hearing upon timely request. (Ord. #09/10-19, July 2010)

18-215. Record keeping duration. All records regarding cross-connections shall be kept for five (5) years. (Ord. #09/10-19, July 2010)

CHAPTER 3

GENERAL WASTEWATER REGULATIONS

SECTION

- 18-301. Purpose and policy.
- 18-302. Administrative
- 18-303. Definitions.
- 18-304. Proper waste disposal required.
- 18-305. Private domestic wastewater disposal.
- 18-306. Connection to public sewers.
- 18-307. Septic tank effluent pump or grinder pump wastewater systems.
- 18-308. Discharge regulations.
- 18-309. Enforcement and abatement.
- 18-310. Charges and fees (user charge system).

18-301. Purpose and policy. This chapter sets forth uniform requirements for users of the Town of Dandridge, Tennessee, wastewater treatment system and enables the town to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

- (1) To protect public health,
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater, wastewater borne components, and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the town to comply with its National Pollution Discharge Elimination System (NPDES) Permit conditions, sludge and biosolid use and disposal requirement, and any other Federal or State industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of Dandridge must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the town who are, by implied contract or written agreement with the town, dischargers of

applicable wastewater to the wastewater treatment facility. Chapter 4 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 4 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

18-302. Administrative. Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this chapter.

18-303. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Administrator." The Administrator of the United States Environmental Protection Agency.

(2) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. § 1251, *et seq.*

(3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(4) "Authorized or duly authorized representative of industrial user":

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in paragraphs (a)-(c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 109 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The national categorical pretreatment standards as found in 40 CFR chapter I, subchapter N, parts 405-471.

(9) "Town." The Board of Mayor and Aldermen, Town of Dandridge, Tennessee.

(10) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(11) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the local hearing authority, mayor and/or superintendent if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

(15) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

(16) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(17) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

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

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

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

(21) "Fats, Oils, and Grease (FOG)." Organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the hexane extractable material test is to be used or an equivalent 40 CFR 136 approved method.

(21) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(22) "Grab sample." A sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building.

(24) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. (gallons per minute) or less and is generally located inside the building.

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

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

(27) "Indirect discharge." The introduction of pollutants into the WWF from any non-domestic source.

(28) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. §1342).

(29) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

(30) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(31) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(32) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(33) "Local administrative officer." The mayor of the local hearing authority.

(34) "Local hearing authority." The board of mayor and aldermen or superintendent appointed to administer and enforce the provisions of this chapter and conduct hearings pursuant to section 205.

(35) "National categorical pretreatment standard" Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

(36) "NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) System.

(37) "New source." (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be

applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph

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

(39) "Pass-through." A discharge which exits the Wastewater Facility (WWF) into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

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

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

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

(43) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

(44) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR section 403.6(d).

(45) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

(46) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(47) "Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, wastewater facility, found in definition (63), below.

(49) "Shall" is mandatory; "may" is permissive.

(50) "Sharps" means any object contaminated with a pathogen or that may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or a packaging material. Sharps includes needles, syringes, scalpels, broken glass, culture

slides, culture dishes, broken capillary tubes, broken rigid plastic, and exposed ends of dental wires.

(51) "Significant industrial user." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(52) "Significant noncompliance." Per 0400-40-14-.08(6)(b)8.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (44%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-405(1)(b)(i)(D), "emergency order," to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(53) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(54) "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.

(55) "State." The State of Tennessee.

(56) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(57) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(58) "Superintendent." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(59) "Surcharge." An additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge limits. Surcharge limits are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge limits. Exceeding a surcharge limit but not a monthly average or daily maximum limit will not result in enforcement action.

(60) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(61) "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.

(62) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24)

hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(63) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, *Tennessee Code Annotated*, § 68-221-201.

(64) "Wastewater." The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(65) "Wastewater facility." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or publicly owned treatment works.

(66) "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.

(67) "0400-44-14." Chapter 0400-40-14 of the *Rules and Regulations of the State of Tennessee, Pretreatment Requirements*.

18-304. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the town, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter or town or state regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the

provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located within one hundred feet (100') (thirty and one-half (30.5) meters) of the property line. Property owners who fail to connect to the town's sewer line within one hundred eighty (180) days from the available date of said sewer line 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. This provision shall not prohibit the town from enforcing any other penalties set forth in this section.

(5) Discharging into the sanitary sewer without permission of the town is strictly prohibited and is deemed "theft of service."

(6) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205.

(7) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(8) Users have a duty to comply with the provisions of this chapter in order for the town to fulfill the stated policy and purpose. Significant industrial users must comply with the provisions of this chapter and applicable state and federal rules according to the nature of the industrial discharge.

(9) The town may inspect the facilities, including service lines or building sewer, of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or its representative, with proper identification, ready access at all reasonable times to all parts of the premises for the purpose of inspection.

18-305. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-104(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) A private sewage disposal system may not be constructed within the town limits unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot does not meet TDEC groundwater protection rules and Jefferson County Health Department requirements. The fee for said certificate is shown in the water and sewer rate ordinance, which (along with any

amendments) is available in the recorder's office. amendments) is available in the recorder's office.

(c) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(d) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the town to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable materials.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the Jefferson County Health Department. The application for such approval shall be made on a form furnished by the Jefferson County Health Department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the Jefferson County Health Department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the town and the Jefferson County Health Department. (modified)

18-306. Connection to public sewers. (1) Application for service.

(a) There shall be two (2) classifications of service:

(i) Residential, and

(ii) Service to commercial, industrial and other nonresidential establishments. In either case, the owner or his agent shall make application for connection on a special form furnished by the town. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those

required by this chapter. Service connection fees for establishing new sewer service are paid to the town. Industrial user discharge permit fees may also apply. The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service.

(b) Users shall notify the town of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The town may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within sixty (60) days of the effective date of this chapter. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The town shall make all connections to the public sewer upon the property owner first submitting a connection application to the town.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the town at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The town will inspect the installation prior to backfilling and make the connection to the public sewer.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. The owner shall indemnify the 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 superintendent.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. However, each separate unit will pay a separate permit and inspection fee. Where property is subdivided and buildings uses common building sewers are now located on separate properties, the building sewers must be separated within sixty (60) days.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system Four inches (4").

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades:

(A) Four inch (4") sewers - one eighth inch (1/8") per foot.

(B) Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2.0') per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe Schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's

side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the town and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to § 18-107 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

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

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections:

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(ii) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection

and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. (a) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the town. Owners failing to maintain or repair building sewers or who allow stormwater or ground water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(b) The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(c) The point of division between the building sewer and the town owned sewer tap or service connection shall be at the property line, right-of-way line, property line sewer cleanout, or such point in this general area as identified by the superintendent. The town owned tap or service line connection cannot extend onto private property except that minimal distance to the edge of right-of-ways, easements, or that distance necessary to cross other town utility lines and provide a location unencumbered by other underground town utilities where the user can make a connection to the building sewer without risk of damage to those other town utilities.

(5) Connections to sewer main. Connection charges shall be used to pay the cost of laying such a new service line (not to exceed fifty feet (50') and appurtenant equipment, where there is an existing water main. If more than fifty feet (50') 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 the sewer tap connection, and such portion of the sewer line shall belong to the town. The remaining portion of the service line beyond the sewer tap connection belongs to and shall be the responsibility of the customer.

(6) Main extension to developed or other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring sewer main extension pursuant to this section must pay for all the cost of making such extensions.

For installations under this or the preceding section, construction and material shall meet the current American Water Works Association Standards, be approved by superintendent, not less than four inches (4") in diameter and adhere to current Dandridge Water Management Facility Construction Specifications. All such lines shall be installed either by town forces or by other forces working directly under supervision of the town.

Upon completion of such extension and their approval by the town, such sewer mains and infrastructure shall become property of the town. The persons paying the cost of constructing such infrastructure shall execute any written

instruments requested by the town to provide evidence of the town's title to such infrastructure. In consideration of such infrastructure being transferred to it, the town shall incorporate said infrastructure as an integral part of its sewer system and shall furnish sewer treatment 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. There shall be no reimbursement or compensation to the person or persons paying the cost of such sewer main extension or infrastructure installation.

(7) Connection and extension improvement responsibility. The provisions of this section shall apply to all areas mentioned in the preceding sections. Customers desiring to sewer service or extensions pursuant to this section must pay all of the cost of making such connection or extensions. Included in the requirement is any cost for upgrade, expansion or extension of existing town utilities, in order to serve or meet the needs or desires of the property or development. Any cost associated with meeting any enhanced services such as increased demand on sewer lines, lift stations, wastewater plant or other infrastructure shall be the responsibility of the property or development.

Any connection which may negatively impact the ability of the town to meet treatment requirements or limits the future capacity of the town to serve will be at the cost of the entity. Any infrastructure addition that may not be desired by the town or might have a negative impact to the finances of the town will only be accepted if approved by the superintendent. Manhole depth cannot exceed eight feet (8'), unless approval is granted by the superintendent.

(8) Sewer main variances. Whenever the board of mayor and alderman is of the opinion that it is to the best interest of the sewer system to construct a sewer main extension without requiring strict compliance with §§ 18-305 and 18-306, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the board of mayor and alderman.

The authority to make sewer main extension under §§ 18-305 and 18-306 is permissive only and nothing contained therein shall be construed as requiring the town to make sewer main extensions or to furnish to any person or persons.

(9) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the town. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.tennessee.gov/environment/section/wr-water-resources>. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent. The

superintendent must give written approval to the contractor to acknowledge transfer of ownership to the town. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

18-307. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances or it is in the best interest of the town to install grinder pump systems, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the town.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the town.

(b) Pumps must be approved by the town and shall be maintained by the town.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the town. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the town and connection will be made to the town sewer only after inspection and approval of the town.

(4) Ownership and easements. Homeowners or developers shall retain ownership of the equipment or participate in a town maintenance program, if offered, and provide an easement for access to perform necessary maintenance or repair. Access by the town to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the homeowner.

18-308. Discharge regulations. (1) General discharge prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section or other pretreatment standard may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions.

(2) Specific prohibitions. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, waste streams with a closed cup flash point of less than one thousand four hundred degrees Fahrenheit (1,400° F) or six hundred degrees Celsius (600° C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and other flammable substances.

(b) Any wastewater having a pH less than 5.0 or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: flushable or non-flushable wipes, grease, garbage with particles greater than one half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes, any medical supplies such as sponges, bandages, catheters whether of natural or synthetic components, "sharps" such as hypodermic needles or syringes, scalpel blades, acupuncture needles, broken glass, slides and cover slips, or other items with acute ridged corners, edges or protuberances.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the

WWF which exceeds forty degrees Celsius (40°C) one hundred four degrees Fahrenheit (104° F) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES Permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

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

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations

of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(3) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 4 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(4) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A - Plant Protection Criteria, unless specifically allowed by their discharge permit according to chapter 4. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A Plant Protection Criteria

| Parameter | Maximum Concentration ($\mu\text{g/L}$) |
|----------------------|--|
| Benzene | 13.04 |
| Cadmium | 33.33 |
| Carbon Tetrachloride | 1,500 |
| Chloroform | 223.68 |
| Chromium | 375 |
| Chromium III | 250 |
| Chromium VI | 375 |
| Copper | 265 |
| Cyanide | 100 |
| Ethylbenzene | 40 |
| Lead | 100 |
| Mercury | 1.67 |
| Methylene chloride | 96.15 |

| Parameter | Maximum Concentration (µg/L) |
|---------------------------|---------------------------------|
| Naphthalene | 12.5 |
| Nickel | 272.73 |
| Phenol | 454.55 |
| Silver | 29.41 |
| Tetrachloroethylene | 138.89 |
| Toluene | 214.29 |
| Total Phthalate | 169.74 |
| Trichlorethlene | 100 |
| 1,1,1-Trichloroethane | 250 |
| 1,2 Transdichloroethylene | 7.5 |
| Zinc | 290 (modified) |

18-309. Enforcement and abatement. Violators of these wastewater regulations may be cited to town court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 4. Repeated or continuous violation of this chapter is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The town may take any or all the following remedies:

- (1) Cite the user to town or general sessions court, where each day of violation shall constitute a separate offense.
- (2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities or workers of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.
- (3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, including if applicable legal costs, and further seeking an injunction prohibiting further violations by user.
- (4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system.

18-310. Charges and fees (user charge system). (1) It is the purpose of this chapter to provide for the recovery of costs from user 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) Where there are residences within the town's corporate limits where a sewer line comes within one hundred feet (100') of the property line of

the residence but the water supplied to the residence is from a well or another utility which cannot be supplied by the town due to federal regulations, the sewer usage fee shall be calculated as follows:

(a) The sewer usage fee of a residence is determined by a percentage of the metered water use at the residence.

(b) Where no metered water exists, the town shall use the most realistic statistic from which to determine normal water usage of a residence which is unknown to the town is the national average usage which is four thousand gallons per month, which the board of mayor and alderman feels is a fair and equitable amount to base the sewer usage for fee purposes. Where this pertains, the following formula will be used to determine the sewer fee of a residence where the sewer connection is the only service provided by the Dandridge Water Management Facility:

(i) Fees shall be based upon four thousand gallons of water usage at the rate set forth by the current sewer rate in force.

(ii) In the event the owner or occupant desires to obtain the water service provided by the Dandridge Water Management Facility, the sewer rates will be determined by the current water and sewer rate in effect at the next billing date from the time of connection.

(iii) The residence's owner or occupant shall be responsible for installing the line from the resident to the sewer line and current tap fees.

CHAPTER 4

INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

SECTION

- 18-401. Industrial pretreatment.
- 18-402. Discharge permits.
- 18-403. Industrial user additional requirements.
- 18-404. Reporting requirements.
- 18-405. Enforcement response plan.
- 18-406. Enforcement response guide table.
- 18-407. Fees and billing.
- 18-408. Validity.

18-401. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 0400-40-14 and to fulfill the purpose and policy of this chapter the following regulations are adopted.

(1) User discharge restrictions. All system users must follow the General and Specific discharge regulations specified in § 18-308 of this chapter.

(2) Users wishing to discharge pollutants at higher concentrations than Table A - Plant Protection Criteria of § 18-308, or those dischargers who are classified as significant industrial users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-309.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as Local Limits - Table B or other applicable state and federal pretreatment rules which may be in effect or take effect after the passage of this chapter.

Table B - Local Limits*

*Local limits are maintained in the office of Dandridge Water Management Facility.

(5) Surcharge threshold and maximum concentrations. Dischargers of high strength waste may be subject to surcharges based on the following

surcharge thresholds. Maximum concentrations may also be established for some users.

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A - Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste do or may fall into the requirements of this Chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(9) Combined wastestream formula. When wastewater subject to categorical Pretreatment Standards is mixed with wastewater not regulated by the same Standard, the permitting authority may impose an alternate limit using the combined wastestream formula. (modified)

18-402. Discharge permits. (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned

change in the industrial or wastewater treatment process. Connection to the town sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-306 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the town and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-308 and 18-401 discharge variations daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for

approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

(iv) The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(v) The receipt by the town of a prospective customer's application for wastewater discharge permit shall not obligate the town to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the town to the applicant of such service.

(vi) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(vii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town.

- (i) Permits shall contain the following:
 - (A) Statement of duration;
 - (B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws.

(D) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary;

(G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(B) Requirements for installation and maintenance of inspection and sampling facilities;

(C) Compliance schedules;

(D) Requirements for submission of technical reports or discharge reports;

(E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto;

(F) Requirements for notification of the town sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;

(G) Prohibition of bypassing pretreatment or pretreatment equipment;

(H) Effluent mass loading restrictions;

(I) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during

the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the local administrative officer. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator

that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the town's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user.

18-403. Industrial user additional requirements. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator.

When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 136 and appropriate EPA guidance. Multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: For cyanide, total phenol, and sulfide

the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the user to keep its monitoring facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

(5) Inspection and sampling. The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of its duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The town will utilize qualified town personnel or a private laboratory to conduct compliance monitoring. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at startup of the industrial process and be in full compliance of effluent standards within ninety (90) days of startup of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

18-404. Reporting requirements. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under § 18-405.

(1) Baseline monitoring report. (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the superintendent a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical Standard, shall submit to the superintendent a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(i) Identifying Information. The user name, address of the facility including the name of operators and owners.

(ii) Permit Information. A listing of any environmental control permits held by or for the facility.

(iii) Description of operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants.

(A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards

(G) Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods;

(H) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(I) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-404(2) of this chapter.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-404(14) of this chapter and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-404(1)(d) of this chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation),

(b) No increment referred to above shall exceed nine (9) months,

(c) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule,

(d) In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-204(1)(b)(iv) and (v) of this chapter. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) of this section. All sampling will be done in conformance with subsection (11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the Superintendent submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this chapter.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in subsection (11) of this section, the results of this monitoring shall be included in the report

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.

(a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-201 of this chapter.

(b) The superintendent may issue an individual wastewater discharge permit under § 18-402 of this chapter or modify an existing wastewater discharge permit under § 18-402 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall

ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require to determine users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the town performs sampling at the user's facility at least once a month, or if the town performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the town receives the results of this sampling, or if the town has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under 18-404(5) of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to

categorical pretreatment standards under the self monitoring requirements of §§ 18-404(1), (3), and (4) of this chapter.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued there under, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in sections (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Superintendent. Where time proportional composite sampling or grab

sampling is authorized by the town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90 day compliance reports required in subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under 18-402. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment program shall be signed by

the duly authorized representative and shall have the following certification statement attached:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements.

18-405. Enforcement response plan. Under the authority of *Tennessee Code Annotated*, § 69-3-123 *et. seq.*

(1) Complaints; notification of violation; orders. (a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the wastewater regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in section § 18-405(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in *Tennessee Code Annotated*, 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the

town or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the town to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect

the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, or workers of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency. This emergency authority applies to either permitted, non-permitted, commercial or residential users.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the town in meeting the emergency.

(ii) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following, Under the authority of *Tennessee Code Annotated*, § 69-3-124:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subdivision (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Jefferson County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed under § 18-405(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as

soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in *Tennessee Code Annotated*, § 27-8-101, *et seq.* within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, administrative civil penalty. Under the authority of *Tennessee Code Annotated*, § 69-3-125.

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

(A) Unauthorized discharge, discharging without a permit;

(B) Violates an effluent standard or limitation;

(C) Violates the terms or conditions of a permit;

(D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following

manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of *Tennessee Code Annotated*, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by *Tennessee Code Annotated*, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders.

Under the authority of *Tennessee Code Annotated*, § 69-3-126.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the town resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. Under the authority of *Tennessee Code Annotated*, § 69-3-127.

The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-202(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:

- (a) Violation of wastewater discharge permit conditions.
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-309.
- (f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance. (a) Insignificant non-compliance: For the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(b) "Significant noncompliance." Per 0400-40-14-.08(6)(b)8.

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a

six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-405(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

(v) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A), which is available in the recorder's office.

(9) Public notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(10) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

18-406. Enforcement response guide table. (1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this chapter.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in Appendix A¹ to impose sanctions or penalties for the violation of this chapter.

18-407. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the town's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the town's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Waste Hauler Permit;
- (f) Fees to cover the cost of damage or interference caused by a user's discharge or a user's neglect;
- (g) Industrial wastewater discharge permit fees;
- (h) Fees for industrial discharge monitoring; and
- (i) Other fees as the town may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-402 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the town's sewer department at the time the application is filed.

(5) Sewer user charges. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

Certain users, especially commercial and industrial users, may be billed based on sewer meter records in addition to or separate from the water meter calculated sewer charge.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-407 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program.

¹Appendix A, Enforcement Response guide Table, may be viewed in the office of the recorder.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violation are categorized in the Enforcement Response Guide Table (Appendix A), which is available in the recorder's office. The local administrative officer may access a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

| | |
|------------|------------------------|
| Category 1 | No penalty |
| Category 2 | \$50.00-\$500.00 |
| Category 3 | \$500.00-\$1,000.00 |
| Category 4 | \$1,000.00-\$5,000.00 |
| Category 5 | \$5,000.00-\$10,000.00 |

18-408. Validity. This chapter and its provisions shall be valid for all service areas and sewage works under the jurisdiction of the town.

CHAPTER 5

FATS, OILS, AND GREASE

SECTION

- 18-501. Purpose.
- 18-502. Fat, Oil, and Grease (FOG), waste food, and sand interceptors.
- 18-503. Definitions.
- 18-504. Fat, oil, grease, and food waste.
- 18-505. Sand, soil, and oil interceptors.
- 18-506. Laundries.
- 18-507. Control equipment.
- 18-508. Solvents prohibited.
- 18-509. Alteration of control methods.
- 18-510. Violations and penalty.

18-501. Purpose. The purpose of this chapter is to control discharges into the public sewerage collection system and treatment plant that interferes with the operations or the system, cause blockage and plugging of pipelines, interferes with normal operation of pumps and their controls and contributes waste of a strength or form that is beyond the treatment capability of the treatment plant. (Ord. #06/07-24, April 2007)

18-502. Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and

solids, or other harmful ingredients in excessive amounts which impact the 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. (Ord. #06/07-24, April 2007)

18-503. Definitions. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

(1) "Grease interceptor." An interceptor whose rated flow exceeds fifty (50) g.p.m. and is located outside the building.

(2) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or less and is located inside the building.

(3) "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. (Ord. #06/07-24, April 2007)

18-504. 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. (Ord. #06/07-24, April 2007)

18-505. 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 are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers. (Ord. #06/07-24, April 2007)

18-506. 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 two inches (2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system. (Ord. #06/07-24, April 2007)

18-507. Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with Tennessee Department of Environment and Conservation engineering standards or applicable town guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the 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. (Ord. #06/07-24, April 2007)

18-508. Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. (Ord. #06/07-24, April 2007)

18-509. Alteration of control methods. The town through the superintendent reserves the right to request additional control measures if measures taken are shown to be insufficient to protect sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand/soil, or lint. (Ord. #06/07-24, April 2007)

18-510. Violations and penalty. 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. Where a municipality has an industrial pretreatment program, violators may be issued industrial pretreatment permits where failure to follow permit requirements

would follow administrative enforcement provisions of the pretreatment program with penalties up to fifty dollars (\$50.00) per day. (Ord. #06/07-24, April 2007, modified)

CHAPTER 6

**CONTROL AND OPERATION OF THE WATERWORKS
AND SEWAGE SYSTEMS****SECTION**

18-601. Board of mayor and aldermen to supervise and control.

18-601. Board of mayor and aldermen to supervise and control.
Pursuant to Tennessee Code Annotated, § 7-35-406 the board of mayor and aldermen 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.* (1995 Code, § 18-601)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. FAIR HOUSING REGULATIONS.
2. PARKS AND RECREATION.
3. ADDRESS IDENTIFICATION DISPLAY.
4. PUBLIC RECORDS ACCESS.
5. SPECIAL EVENTS POLICY.
6. DANDRIDGE DOCK.

CHAPTER 1

FAIR HOUSING REGULATIONS

SECTION

- 20-101. Policy.
- 20-102. Definitions.
- 20-103. Unlawful practice.
- 20-104. Discrimination in the sale or rental of housing.
- 20-105. Discrimination in the financing of housing.
- 20-106. Discrimination in the provisions of brokerage services.
- 20-107. Exemption.
- 20-108. Administration.
- 20-109. Education and conciliation.
- 20-110. Enforcement.
- 20-111. Investigations; subpoenas; giving of evidence.
- 20-112. Enforcement by private persons.

20-101. Policy. It is the policy of the Town of Dandridge, to provide, within constitutional limitations, for fair housing throughout the town. (1995 Code, § 20-201)

20-102. Definitions. (1) "Discriminatory housing practice" means an act that is unlawful under §§ 20-104, 20-105 or 20-106.

(2) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one (1) 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.

(3) "Family" includes a single individual.

(4) "Person" includes one (1) 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.

(5) "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. (1995 Code, § 20-202)

20-103. Unlawful practice. Subject to the provisions of § 20-107(2), the prohibitions against discrimination in the sale or rental of housing set forth in § 20-104 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-104 shall apply to:

(a) Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than three (3) such single-family houses at any one (1) 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 (24) 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 (3) such single-family houses at one (1) 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 § 20-104(3) of this chapter, but nothing in this provision 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 (4) families living independently of each other, if the owner actually maintains and occupies one (1) 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 (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He has, within 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 (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (1995 Code, § 20-203)

20-104. Discrimination in the sale or rental of housing. As made applicable by § 20-103 and except as exempted by §§ 20-103(2) and 20-107 it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, 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. (1995 Code, § 20-204)

20-105. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or, other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan

or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, 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 § 20-103(2). (1995 Code, § 20-205)

20-106. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status, or handicap. (1995 Code, § 20-206)

20-107. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, 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. (1995 Code, § 20-207)

20-108. 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. (1995 Code, § 20-208)

20-109. 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. (1995 Code, § 20-209)

20-110. 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 Municipal Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the Municipal Human Rights Commission requires. Upon receipt of such a complaint, the Municipal 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 (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3), the Municipal 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 Municipal 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 Municipal 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 fifty dollars (\$50.00).

(2) A complaint under subsection (1) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer

to the complaint against him and with the leave of the Municipal 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 (30) days after a complaint is filed with the Municipal Human Rights Commission, the Municipal Human Rights Commission has been unable to obtain voluntary compliance with this chapter, the person aggrieved, may within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Municipal Human Rights Commission will assist in this filing.

(4) If the Municipal Human Rights Commission has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days thereafter 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 Municipal Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (1995 Code, § 20-210, modified)

20-111. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the Municipal 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 Municipal Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Municipal 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 Municipal Human Rights Commission may administer oaths.

(2) Upon written application to the Municipal Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Municipal Human Rights Commission to the same extent and subject to the same limitations as

subpoenas issued by the Municipal 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 Municipal 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 (5) days after services of a subpoena upon any person, such person may petition the Municipal Human Rights Commission to revoke or modify the subpoena. The Municipal 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 Municipal 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 Municipal Human Rights Commission shall be fined not more than fifty dollars (\$50.00). Any person who, with intent thereby to mislead the Municipal 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 Municipal 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 fifty dollars (\$50.00).

(7) The Municipal Human Rights Commission shall conduct all litigation in which the Municipal Human Rights Commission participates as a party or as amicus pursuant to this chapter. (1995 Code, § 20-211, modified)

20-112. Enforcement by private persons. (1) The rights granted by §§ 20-103, 20-104, 20-105 and 20-106 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or § 20-110(4) from time to time before bringing it

to trial. 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 fifty dollars (\$50.00). (1995 Code, § 20-212, modified)

CHAPTER 2

PARKS AND RECREATION

SECTION

- 20-201. Definitions.
- 20-202. Purposes.
- 20-203. Enforcement authority.
- 20-204. Hours.
- 20-205. Closed areas.
- 20-206. Preservation of buildings and other property.
- 20-207. Construction or development at Grace Shrader Park.
- 20-208. Picnic shelter permit.
- 20-209. Alcoholic beverages.
- 20-210. Drunkenness
- 20-211. Domestic animals.
- 20-212. Game and sport activity.
- 20-213. Food preparation and cooking.
- 20-214. Regulation and control.
- 20-215. State and local traffic regulations apply.
- 20-216. Obedience to traffic signs.
- 20-217. Enforcement of traffic regulations.
- 20-218. Use of vehicles.
- 20-219. Speed of vehicles.
- 20-220. Vehicles confined to designated areas.
- 20-221. Parking regulations.
- 20-222. Parking during authorized hours.
- 20-223. Application for reserving facilities.
- 20-224. Violations and penalty.

20-201. 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 of 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. (1995 Code, § 20-301, modified)

20-202. 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. (1995 Code, § 20-302)

20-203. 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. (1995 Code, § 20-303)

20-204. 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. (1995 Code, § 20-304)

20-205. 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. (1995 Code, § 20-305)

20-206. Preservation of buildings and other property. (1) All persons using restrooms and washrooms shall cooperate in keeping them in a neat and sanitary condition.

(2) 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.

(3) 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.

(4) 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.

(5) 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. (1995 Code, § 20-306,) modified)

20-207. Construction or development at Grace Shrader Park. 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.

20-208. Picnic shelter permit. Picnic shelters are available on a first come, first serve basis with respect to the hours of operation unless previously reserved through the Field of Dreams Activity Center. (1995 Code, § 20-308, modified)

20-209. 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. (1995 Code, § 20-315)

20-210. Drunkeness. 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. (1995 Code, § 20-316)

20-211. 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. (1995 Code, § 20-318)

20-212. 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. (1995 Code, § 20-319)

20-213. 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. (1995 Code, § 20-320)

20-214. 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. (1995 Code, § 20-321)

20-215. 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. (1995 Code, § 20-322)

20-216. 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. (1995 Code, § 20-323)

20-217. 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. (1995 Code, § 20-324)

20-218. 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. (1995 Code, § 20-325)

20-219. Speed of vehicles. No person shall operate or drive a vehicle in any park area at a rate of speed in excess of fifteen (15) miles per hour, except upon such road as the board of mayor and aldermen may designate by posted signs for a speedier travel. (1995 Code, § 20-326)

20-220. 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. (1995 Code, § 20-327)

20-221. 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. (1995 Code, § 20-328)

20-222. 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 permission 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. (1995 Code, § 20-329)

20-223. 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. (1995 Code, § 20-330)

20-224. Violations and 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. (1995 Code, § 20-331)

CHAPTER 3

ADDRESS IDENTIFICATION DISPLAY

SECTION

20-301. Display of address identification number on residence.

20-302. Display of address identification number on commercial establishment.

20-303. Specifications of address identification number.

20-304. Location.

20-305. Violations and penalty.

20-301. Display of address identification number on residence.

The owner, occupant, or person in control of any house, mobile home, or apartment building with only one (1) electrical meter box within the corporate limits of the town, for which an address or identification number has been assigned by the Jefferson County Emergency Communications District, shall, at the cost of the owner, occupant or person in control of the property, shall affix said address identification number on the property structure. This shall be done within sixty (60) days from the date this chapter is passed or within sixty (60) days from the establishing of a new address. (Ord. #04/05-09, Sept. 2004)

20-302. Display of address identification number on commercial establishment. The owner, occupant, or person in control of any property upon which there is a structure used for commercial business or an apartment building with more than one (1) electrical meter within the town's corporate limits for which an address or identification number has been assigned by the Jefferson County Emergency Communications District, shall, at the cost of the owner, occupant or person in control of the property, shall affix said address identification number on the property structure and electrical meter box. This shall be done within sixty (60) days from the date this chapter is passed or within sixty (60) days from the establishing of a new address. (Ord. #04/05-09, Sept. 2004)

20-303. Specifications of address identification number. All address identification numbers displayed on a structure shall be:

(1) Not less than four inches (4") in height or if on an electrical meter box, not less than two inches (2") in height;

(2) Be located at least four feet (4') and not more than eight feet (8') from the ground level on the side of the structure where the address identification number is displayed;

(3) Be numerical, not script;

(4) Be of contrasting color with the background of the structure upon which it is displayed. (Ord. #04/05-09, Sept. 2004)

20-304. Location. All address identification must be placed in a conspicuous place so as to be clearly visible and identifiable to a person traveling in a vehicle in either direction on the street, road or highway upon which the structure is located. (Ord. #04/05-09, Sept. 2004)

20-305. Violations and penalty. Any person who violates this chapter shall be subject to a fine not to exceed fifty dollars (\$50.00). Each day in which a violation occurs is a separate penalty. (Ord. #04/05-09, Sept. 2004)

CHAPTER 4

PUBLIC RECORDS ACCESS

SECTION

- 20-401. Procedures regarding access to and inspection of public records.
- 20-402. Definitions.
- 20-403. Requesting access to public records.
- 20-404. Responding to public records requests.
- 20-405. Inspection of records.
- 20-406. Copies of records.
- 20-407. Fees and charges and procedures for billing and payment.

20-401. Procedures regarding access to and inspection of public records. The TPRA provides that all state, county and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. (See *Tennessee Code Annotated*, § 10-7-503(a)(2)(A).) Accordingly, the public records of the Town of Dandridge are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Town of Dandridge shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Town of Dandridge, shall be protected as provided by current law. Concerns about this Policy should be addressed to the public records request coordinator for the Town of Dandridge or to the Tennessee Office of Open Records Counsel ("OORC").

This policy is available for inspection and duplication in the office of the town recorder.

This policy is posted online at TownOfDandridge.com. This policy shall be reviewed every two (2) years.

This policy shall be applied consistently throughout the various offices, departments, and/or divisions of the Town of Dandridge. (Ord. #16/17-09, March 2017)

20-402. Definitions. (1) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (See *Tennessee Code Annotated*, § 10-7-503(a)(1)(A).)

(2) "Public records request coordinator." The individual, or individuals, designated in § 20-403(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. (See *Tennessee Code Annotated*, § 10-7-503(a)(1)(8).) The public records request coordinator may also be a records custodian.

(3) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. (See *Tennessee Code Annotated*, § 10-7-503(a)(1)(C).) The records custodian is not necessarily the original preparer or receiver of the record.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (Ord. #16/17-09, March 2017)

20-403. Requesting access to public records.¹ (1) Public record request shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing (or email) address from the requestor for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing (using the form available in the recorder's office) at Town Hall, 131 East Main Street, P.O. Box 249, Dandridge, TN 37725 or by phone at 865.397.7 420.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing [using the form available in the recorder' s office) at Town Hall, 131 East Main Street, PO Box 249, Dandridge, TN 37725.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records. (Ord. #16/17-09, March 2017)

20-404. Responding to public records requests.

(1) Public records request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

- (i) If the requester provided evidence of Tennessee citizenship;
- (ii) If the records requested are described with sufficient specificity to identify them; and
- (iii) If the governmental entity is the custodian of the records.

¹Public records request forms (for copies and/or inspection) may be found in the recorder's office.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requester of this Policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen.

(B) The request lacks specificity.

(C) An exemption makes the record not subject to disclosure under the TPRA.

(D) The governmental entity is not the custodian of the requested records.

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in the Town of Dandridge.

(v) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

(c) The designated PRRC(s) is:

(i) Name or title: Town recorder

(ii) Contact information: Town Hall, 131 East Main Street, PO Box 249, Dandridge, TN 37725 (Phone: 865.397.7420, Fax: 865.397.1839)

(d) The PRRC(s) shall report to the governing authority on an annual basis about the governmental entity's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with *Tennessee Code Annotated*, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records;

to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed public records request response form.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-404(1)(b)(ii) using the public records request response form.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) **Redaction.** (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the office of attorney general and reporter.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (Ord. #16/17-09, March 2017)

20-405. Inspection of records. (1) There shall be no charge for inspection of open public records.

(2) The location for inspection of records within the offices of the Town of Dandridge should be determined by either the PRRC or the records custodian.

(3) Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location. (Ord. #16/17-09, March 2017)

20-406. Copies of records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at a location specified by the records custodian.

(3) Upon payment for postage, copies will be delivered to the requester's home address by the United States Postal Service.

(4) A requester will not be allowed to make copies of records with personal equipment. (Ord. #16/17-09, March 2017)

20-407. Fees and charges and procedures for billing and payment.

(1) Fees and charges for copies of public records should not be used to hinder access to public records.

(2) Records custodians shall provide requesters with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(3) Fees and charges for copies are as follows:

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(c) Other: Maps, plats, electronic data, audio discs, video discs, and all other material shall be duplicated at actual costs to the town.

(d) Labor when time exceeds one (1) hour.

(e) If an outside vendor is used, the actual costs assessed by the vendor.

(4) Payment is to be made either in cash or by personal check payable to the Town of Dandridge and presented to the records custodian.

(5) The town may require payment in advance of producing any request.

(6) Aggregation of frequent and multiple requests. (a) The Town of Dandridge will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) Aggregating:

(i) The level at which records requests will be aggregated is town wide.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Request for items that are routinely released and readily accessible, such as (agendas. for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests. (Ord. #16/17-09, March 2017)

CHAPTER 5

SPECIAL EVENTS POLICY¹

SECTION

20-501. Purpose.

20-502. Policy.

20-503. Permit procedure.

20-504. Event requirements.

20-505. Event cancellation.

20-501. Purpose. It is recognized that special events often bring many benefits to the community. However, when these events are held in a park, town roadways, or town property, they have the potential to impact the department's resources, facilities and property. Each event has unique characteristics and will have a different impact. Therefore, events need to be considered on a case by case basis in order to promote the responsible use of publicly owned facilities and properties. (Ord. #14/15-06, Jan. 2015)

20-502. Policy. Events or planned occurrences on property owned or maintained by the Town of Dandridge that exceed the normal and ordinary use of such property, may be considered a special event and are subject to review and approval by the Dandridge Board of Mayor and Aldermen. (Ord. #14/15-06, Jan. 2015)

20-503. Permit procedure. (1) A request for all special events for the calendar year shall be submitted by January 31st of each year. This allows the town to financially prepare for the event during the budgeting process. Any events not submitted by this date may be charged for services required if approved by the Dandridge Board of Mayor and Aldermen.

(2) An application for special event permit along with the required support materials shall be filed with the town administrator sixty (60) days prior to the event. Said application shall be obtained from the office of the town administrator.

(3) Along with the application, the sponsor must provide a map of the event showing the proposed location of all facilities and services to include, but not limited to, concessions, rides, parking, lighting, fencing, portable toilets, dumpster, etc. The map should show any road closures, emergency service routes, and trash cans.

¹Application forms regarding special events are available in the recorder's office.

(4) Upon approval, event organizers must provide a copy of liability insurance coverage in the amount of at least one million dollars (\$1,000,000.00) single limit, covering both bodily injury and property damage during the term of the event. A clause specifically naming the Town of Dandridge as an "additional insured" shall be submitted at least ten (10) days prior to the event. Any private property owners that have agreed to allow event activities on their property should also be listed as "additional insured." (Ord. #14/15-06, Jan. 2015)

20-504. Event requirements. (1) Rules and regulations. Sponsors of special events must comply with all applicable town ordinances, traffic rules, park rules, and regulations, state health laws, and fire codes.

(2) Parking. Sponsors of events must submit a parking plan with the application. The plan must address the number of vehicles, location of parking areas, traffic control, safety and security. The plan should also provide protection for areas in which parking would be a safety or emergency access hazard as well as private property adjacent to the event in which an agreement with the event sponsor is not made for parking. Any costs associated with repair or damage from parking and driving in turf areas will be the sole responsibility of the event sponsor.

(3) Public street or right-of-way closures. All road closures or use of town roads as part of an event must be approved by the board of mayor and aldermen and must be maintained by the Town of Dandridge Public Works Department.

(4) Security and safety. For the safety of an event's participants, security personnel are a necessity. Events must have security personnel at the rate of one (1) security guard for every six hundred (600) people present. The police chief shall have the authority to modify this ratio, as they deem necessary. Police officers can only monitor public areas and will not monitor private businesses.

(5) Emergency management plan. For events with an expected attendance of more than three thousand (3,000), an emergency management plan must be submitted to the Dandridge Volunteer Fire Department Chief.

(6) Fireworks, open flames, and pyrotechnics. If fireworks, open flames, or pyrotechnics are part of an event, the Dandridge Volunteer Fire Department Chief must be contacted to obtain the necessary permits and regulations.

(7) Medical services. The level of medical services required for a special event will vary depending on many factors including expected attendance, time of day, time of year, demographics of attendees, alcohol, and nature of event. At the minimum, all special events shall have a first aid kit accessible on the event site. The sponsor of the event must have a plan to address medical services.

(8) Toilet facilities. Public toilet facilities at a ratio of one per one thousand (1 per 1000) attendees is required (twenty percent (20%) handicapped accessible). Public toilet facilities may not be sufficient for a special event. In this case, portable toilets must be secured by the event sponsor. The sponsor of the event is responsible for ensuring that the toilets are kept in clean and usable condition. Any portable toilets must be removed within seventy-two (72) hours of the event.

(9) Bands/amplified music. If an event will be having a band or amplified music, the sponsor shall ensure compliance with all noise ordinances established by the Town of Dandridge.

(10) Tents. Use and location of tents, canopies or other overhead coverings are subject to approval by the Town of Dandridge Public Works Department. The placement shall be shown on the site plan. (Ord. #14/15-06, Jan. 2015)

20-505. Event cancellation. The town administrator may cancel an event without prior notice for any condition affecting the public health or safety of the town, or any condition that would place facilities, grounds or other natural resources at risk of damage or destruction if the event were permitted to take place. (Ord. #14/15-06, Jan. 2015)

CHAPTER 6

DANDRIDGE DOCK

SECTION

- 20-601. Purpose.
- 20-602. Enforcement authority.
- 20-603. Hours of operation.
- 20-604. Activities prohibited.
- 20-605. Special event exceptions.

20-601. Purpose. The purpose of this chapter is to establish rules and regulations governing the operation and use of the town's public dock, for the end purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purpose intended and that the facilities may be conserved and protected for the public good. (Ord. #16/17-11, April 2017)

20-602. Enforcement authority. It shall be the duty and responsibility of the Dandridge Police Department to enforce this chapter.

(1) It shall be unlawful for any 'person to do any act forbidden or fail to perform any act required by this chapter for any person to fail to comply with any lawful order given by a Dandridge Police Officer.

(2) Any violation of this chapter shall be a civil offense punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(3) When a police officer halts a violator other than for the purpose of giving a warning, he shall take the name, address and photo identification of said person, and such other pertinent information as may be necessary, and shall issue to him a written citation containing a notice to answer to the charge against him in the town court at a specified time. It shall be unlawful for any alleged violator to give false or misleading information.

(4) 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 citation. (Ord. #16/17-11, April 2017)

20-603. Hours of operation. The dock shall be open to the public at any time except when reserved through the town's special event policy (title 20, chapter 5) or the town administrator or designee.

(1) Docking of boats shall be limited to. no more than four (4) hours.

(2) Overnight docking is not permitted. (Ord. #16/17-11, April 2017)

20-604. Activities prohibited. In order to maintain the dock and create a safe space for fishing and boating on Douglas Lake the following activities are prohibited:

- (1) No commercial activity such as selling items or services on the dock.
- (2) No animals or pets are permitted on the dock.
- (3) Refueling is not allowed in the dock area.
- (4) No motorized vehicles shall be on the dock unless operated by town employees or designees.
- (5) No swimming or diving is allowed in the area surrounding the dock due to motorized vessels in the area.
- (6) No running or horseplay is permitted on the dock.
- (7) No bicycles, skateboards, or other like activity are allowed on the dock.
- (8) No alcohol is allowed within fifty feet (50') of the dock.
- (9) No Littering.
- (10) No boats over twenty-eight feet (28') are allowed to moor to the dock.
- (11) No open fires or grilling is permitted on the dock.
- (12) No fireworks are permitted on the dock.
- (13) Smoking is prohibited on the dock.
- (14) No amplified music is permitted on the dock unless written permission is given by the town administrator or his designee.
- (15) No children under the age of twelve (12) shall be on the dock without a coast guard approved life safety vest. (Ord. #16/17-11, April 2017)

20-605. Special event exceptions. The board of mayor and alderman may waive activities prohibited for special events. (Ord. #16/17-11, April 2017)

ORDINANCE NO.19/20-04

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 Dandridge, 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 appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said 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 fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

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

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The

¹State law reference

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.

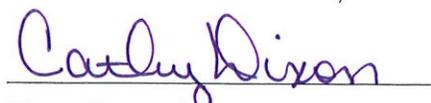
Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading: August 13, 2019

Passed 2nd and Final Reading: September 10, 2019



Mayor



Town Recorder