THE
MOUNT PLEASANT
MUNICIPAL
CODE

Prepared by the

March 2010

Change 3, December 19, 2017

CITY OF MOUNT PLEASANT, TENNESSEE

MAYOR

James L. Bailey, Jr.

VICE MAYOR

Bill White

COMMISSIONERS

Delores Blankenship

Mike Davis

Jacqueline Webster Grandberry

CITY RECORDER

Loretta Garner

Preface

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

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

By utilizing the table of contents and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the 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, Emily Keyser, Linda Winstead, Nancy Gibson, and Doug Brown, is gratefully acknowledged.

Melissa Ashburn
Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

1. General power to enact ordinances: (6-19-101)

2. All ordinances shall begin, "Be it ordained by the City of Mount Pleasant as follows:" (6-20-214)

3. Ordinance procedure

   (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

   (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.

   (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.

   (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)

4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.

   No such ordinance shall take effect until the ordinance, or its caption, is published except as otherwise provided in chapter 54 part 5 of this title. (6-20-218)

ORDINANCE NO. 2009-903

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF MOUNT PLEASANT, TENNESSEE.

WHEREAS some of the ordinances of the City of Mount Pleasant are obsolete, and

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

WHEREAS the board of commissioners of the City of Mount Pleasant, 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 "Mount Pleasant Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF MOUNT PLEASANT, AS FOLLOWS:[1]

Section 1. Ordinances codified. The ordinances of the city 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 "Mount Pleasant Municipal Code," hereinafter referred to as the "Municipal Code."

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

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in

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[1]Charter reference
Tennessee Code Annotated, § 6-20-214.

favor of said city; 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 city; 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 city.

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."[1]

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[1]State law reference

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

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

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

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

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

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

Section 10. Date of effect. This ordinance shall take effect no sooner than fifteen (15) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the town 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 10-29, 2019.

Passed 2nd reading 3-16, 2020.

Mayor

Recorder

TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. CITY MANAGER.
4. CODE OF ETHICS.
5. MUNICIPAL ELECTRIONS.
6. PUBLIC RECORDS POLICY.

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[1]Charter reference

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.
Water and sewers: title 18.
Zoning: title 14.

CHAPTER 1

BOARD OF COMMISSIONERS[1]

SECTION

1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Compensation of mayor and commissioners.

1-101. Time and place of regular meetings. The regular meetings of the Board of Commissioners of Mount Pleasant, Tennessee, shall be held at 7:00 P.M. on the third Tuesday of each month. All meetings shall be at the city hall commission chambers in Mount Pleasant, Tennessee, unless otherwise directed. (1984 Code, § 1-101, as amended by Ord. #87-683, April 1987, modified)

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

(1) Call to order (mayor);

(2) Pledge of allegiance/invocation (optional);

(3) Roll call (the mayor may simply acknowledge that all commissioners, the city manager, city recorder, and the city attorney are all present);

(4) Approval/correction of minutes from prior meeting;

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[1]Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.
Appointment and removal of city manager: § 6-21-101.
Compensation of city attorney: § 6-21-202.
Creation and combination of departments: § 6-21-302.
Subordinate officers and employees: § 6-21-102.
Taxation
- Power to levy taxes: § 6-22-108.
- Change tax due dates: § 6-22-113.
- Power to sue to collect taxes: § 6-22-115.

Removal of mayor and commissioners: § 6-20-220.

(5) Awards/presentations/ appointments;
(6) Completion/review of unfinished business from prior meeting;
(7) Monthly report from mayor;
(8) Monthly financial/budget report (director of administration/ budget);
(9) Monthly report of city manager;
(10) Special reports from other city departments or committees (if any):
(a) Wastewater liaison report
(b) Mount Pleasant gas system report
(11) New business (comments from citizens may or may not be included, dependent on the issues);
(12) General comments from citizens (may be limited in time and/or number of comments);
(13) Adjournment. (1984 Code, § 1-102, as amended by Ord. #2008-882, Aug. 2008, and replaced by Ord. #2016-993, Oct. 2016, and Ord. #2017-1015, Dec. 2107)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of commissioners at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1984 Code, § 1-103, modified)

1-104. Compensation of mayor and commissioners. (1) Pursuant to the provisions of Tennessee Code Annotated, § 6-20-204, the annual salaries of the mayor and commissioners of the city shall be as follows:

(a) The mayor shall be paid an annual salary of one thousand eight hundred dollars ($1,800.00).

(b) Each member of the board of commissioners shall be paid an annual salary of one thousand two hundred dollars ($1,200.00).

(2) The compensation of the mayor and commissioners shall be paid quarterly at the rate of one-fourth (1/4) of the annual compensation. (1984 Code, as amended by Ord. #2001-822, June 2001)

CHAPTER 2

MAYOR[1]

SECTION

1-201. Duties and powers.

1-201. Duties and powers.[2] (1) The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and perform all acts that may be required of him by the charter, and any ordinances duly enacted by the board of commissioners, not in conflict with the charter.

(2) That the City of Mount Pleasant, Tennessee designates the mayor as an ex-officio member of all city commission appointed committees.

(3) That the mayor shall not vote in committee meetings unless authorized by the city charter, ordinances, or committee bylaws. (1984 Code, § 1-301, as amended by Ord. #2017-001, Feb. 2017)

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[1]Charter reference

For general charter provisions dealing with the election and duties of the mayor and vice mayor, see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly §§ 6-20-201 and 6-20-203.

[2]Charter references

For detailed provisions of the charter outlining the election, power and duties of the mayor see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly, §§ 6-20-209, 6-20-213, and 6-20-219. For specific charter provisions in part 2 related to the following subjects, see the section indicated:

Election: § 6-20-201.
General duties: §§ 6-20-213 and 6-20-219.
May introduce ordinances: § 6-20-213.
Presiding officer: §§ 6-20-209 and 6-20-213.
Seat, voice and vote on board: § 6-20-213.
Signs journal, ordinances, etc.: § 6-20-213.

CHAPTER 3

CITY MANAGER[1]

SECTION

1-301. Duties and powers.

1-301. Duties and powers.[2] The city manager shall be the chief administrative officer of the city and shall exercise such authority and control over law and ordinance violations, departments, officers and employees, and city purchases and expenditures as the charter prescribes, and shall perform all other duties required of him pursuant to the charter. In addition, the city manager shall perform the functions of the recorder and treasurer as prescribed by the charter. (1984 Code, § 1-301)

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[1]Charter reference

For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly § 6-21-101.

[2]Charter references

For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701 and 6-21-704, 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

CHAPTER 4

CODE OF ETHICS[1]

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, etc.
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.

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[1]State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office): Tennessee Code Annotated, § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information: Tennessee Code Annotated,§ 39-16-401 and the following sections.

Ouster law: Tennessee Code Annotated,§ 8-47-101 and the following sections.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality and is incorporated as a new chapter in the Mt. Pleasant Municipal Code. 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. #2006-864, Sept. 2006)

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 not 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. #2006-864, Sept. 2006)

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 may recuse himself[1] from voting on the measure. (Ord. #2006-864, Sept. 2006)

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

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[1]Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

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. #2006-864, Sept. 2006)

1-405. Acceptance of gratuities, etc. 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. #2006-864, Sept. 2006)

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. #2006-864, Sept. 2006)

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. #2006-864, Sept. 2006)

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. #2006-864, Sept. 2006)

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. #2006-864, Sept. 2006)

1-410. Ethics complaints. (1) The city 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 city 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 city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city 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. #2006-864, Sept. 2006)

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. #2006-864, Sept. 2006)

CHAPTER 5

MUNICIPAL ELECTIONS

SECTION

1-501. Date of elections.
1-502. Term of board of commissioners.
1-503. Non-resident property owners.

1-501. Date of elections. In accord with Tennessee Code Annotated, § 6-2-102, the City of Mount Pleasant, Tennessee, municipal election previously scheduled for the first Tuesday of July, 2013 and thereafter on the first Tuesday of July in odd numbered years shall be rescheduled until the first Tuesday following the first Monday in November, 2014 (the date of state and federal general elections), and thereafter the City of Mount Pleasant, Tennessee municipal election shall occur every other year on the first Tuesday following the first Monday of November (the date of state and federal general elections). (as added by Ord. #2013-955, March 2013)

1-502. Term of board of commissioners. Further, in accord with Tennessee Code Annotated, § 6-20-102, the terms of the members of the existing board of commissioners shall be extended until the November 2014 City of Mount Pleasant municipal election. (as added by Ord. #2013-955, March 2013)

1-503. Non-resident property owners. In accord with Tennessee Code Annotated, § 2-6-205, the City of Mount Pleasant, Tennessee non-resident property owners shall cast their municipal ballots as absentee mail ballots. (as added by Ord. #2013-956, March 2013)

CHAPTER 6

PUBLIC RECORDS POLICY

SECTION

1-601. Definitions.
1-602. Requesting access to public records.
1-603. Responding to records requests.
1-604. Inspection of records.
1-605. Copies of records.
1-606. Fees and charges and procedures for billing.

1-601. Definitions. (1) "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.

(2) "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).

(3) "Public records request coordinator." The individual, or individuals, designated in § 1-603(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)(B). The public records request coordinator may also be a records custodian.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

1-602. Requesting access to public records. (1) Public record requests 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 will request a mailing address from the requester for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing on inspection/duplication of records request form at Mount Pleasant City Hall, 100 Public Square, Mount Pleasant, Tennessee 38474 or by phone at 931-379-7717, or by email to lgarner@mountpleasanttn.org.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing on inspection/duplication of records request form in person or

by mail at Mount Pleasant City Hall, 100 Public Square, Mount Pleasant, Tennessee 38474 or by email to lgamer@mountpleasanttn.org.

(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. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

1-603. Responding to public records requests. (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the city is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fee (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 (1) 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 city is not the custodian of the requested records; or

(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.

(c) The designated PRRC(s) is (are):

(i) Loretta Garner, CPA, City Recorder or his/her designee.

(ii) Contact information: Mount Pleasant City Hall, 100 Public Square, Mount Pleasant, Tennessee 38474 or by phone at 931-379-7717, or by email to lgamer@mountpleasanttn.org.

(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 which is attached as form B,[1] based on the form developed by the OORC.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 1-603(1)(b)(ii) and may use the public records request response form B.

(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 B 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 requester 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 OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the request or with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

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[1]Form B (Public Records Request Response Form) is available in the office of the recorder.

1-604. Inspection of records. (1) There shall be no charge for inspection of public records.

(2) The location for inspection ofrecords within the offices of the City of Mount Pleasant shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

1-605. 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 Mount Pleasant City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Cell phones, cameras, scanners, or any other device capable of reproducing, photographing, copying, or scanning records are not permitted while inspecting public records. Requestors may purchase storage devices from the city upon which the records will be downloaded. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

1-606. Fees and charges and procedures for billing. Fees and charges for copies of public records should not be used to hinder access to public records:

(1) Records custodians shall provide requestors 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.

(2) When fees for copies and labor do not exceed ten dollars ($10.00), the fees may be waived. Requests for waivers for fees above ten dollars ($10.00) must be presented to the city manager to determine if such waiver is in the best interest of City of Mount Pleasant and for the public good. Fees associated with aggregated records requests will not be waived.

(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) The actual cost of any other medium upon which a record/information is being produced.

(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 payable to the City of Mount Pleasant and presented to the cash office along with the completed and signed records request form indicating the estimated amount to be charged.

(5) Payment in advance will be required when costs are estimated to exceed fifteen dollars ($15.00).

(6) Aggregation of frequent and multiple requests. (a) The City of Mount Pleasant 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) If more than four (4) requests are received within a calendar month:

(i) Records requests will be aggregated for all departments.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will 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) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: meeting agendas and approved minutes. (as added by Ord. #2013-970, Jan. 2014, and replaced by Ord. #2017-1002, April 2017)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER
1. RECREATION COMMISSION.

CHAPTER 1

RECREATION COMMISSION

SECTION
2-101. Recreation commission created; authority, purpose and title.
2-102. Terms of members.
2-103. Officers of the recreation commission.
2-104. Bylaws authorized.
2-105. Purposes of recreation commission.
2-106. Time of regular meetings.

2-101. Recreation commission created; authority, purpose and title. The authority to fund, create, operate and maintain parks and recreation facilities and to conduct recreation programs shall be retained by the governing body; however, pursuant to Tennessee Code Annotated, § 11-24-103(b)(1), there shall be, and is hereby, created an advisory body for the purpose of providing the governing body of the City of Mount Pleasant, Tennessee, advice and guidance, and to provide a conduit for input from the general population as to the effective creation, operation and maintenance of parks and recreation facilities and/or recreation programs for said town. This body shall be named and known as the "Parks and Recreation Commission of the City of Mount Pleasant" (the "Recreation Commission"). (Ord. #2007-878, Nov. 2007, as replaced by Ord. #2014-971, March 2014)

2-102. Terms of members. The recreation commission shall consist of seven (7) members who shall be appointed by the mayor with the concurrence of the board of commissioners. The recreation commission will have membership as follows:

(1) One (1) representative from the board of commissioners; and
(2) Six (6) members at large.

At large members shall serve a term of three (3) years. The member representative from the board of commissioners will serve a term concurrent with his/her term as a member of the board of commissioners. Recreation commission members may be appointed for additional terms. (1984 Code, § 1-1102, as replaced by Ord. #2014-971, March 2014)

2-103. Officers of the recreation commission Immediately after its election said commission shall meet and elect the following officers: A chairperson to preside at meetings and to represent the recreation commission at meetings of the board of commissioners and other official functions; a vice-chairperson to preside in the absence of the chairperson; and a secretary to keep all minutes and records of the recreation commission and to transmit a copy of these records to the city recorder. (1984 Code, § 1-1103, as replaced by Ord. #2014-971, March 2014)

2-104. Bylaws authorized. The recreation commission shall have the power to adopt bylaws and rules for the proper conduct of recreation commission functions. (1984 Code, § 1-1104, as replaced by Ord. #2014-971, March 2014)

2-105. Purposes of recreation commission. The purposes of the recreation commission are:

(1) To gain facts about the recreational needs of the Mount Pleasant community;

(2) To identify resources available to meet the recreation needs of the community;

(3) To stimulate citizen interest in recreation and to create motivation for citizen participation;

(4) To make recommendations to the board of commissioners concerning the recreational needs of the Mount Pleasant community. (1984 Code, § 1-1105, as replaced by Ord. #2014-971, March 2014)

2-106. Time of regular meetings. The regular meetings of the recreational commission shall be held on the second Wednesday of each month, or at such other time as the commission may direct. (1984 Code, § 1-1106, as replaced by Ord. #2014-971, March 2014)

TITLE 3

MUNICIPAL COURT[1]

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

CHAPTER 1

CITY JUDGE

SECTION
3-101. City judge.

3-101. City judge. The city court shall be presided over by the recorder or a city judge appointed by the board of commissioners. (1984 Code, § 1-501)

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[1]Charter references
For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:
- City judge:
  - Appointment and term: § 6-21-501.
  - Jurisdiction: § 6-21-501.
  - Qualifications: § 6-21-501.
- City court operations:
  - Appeals from judgment: § 6-21-508.
  - Appearance bonds: § 6-21-505.
  - Arrest warrants: § 6-21-504.
  - Docket maintenance: § 6-21-503.
  - Fines and costs:
    - Amounts: §§ 6-21-502, 6-21-507.
    - Collection: § 6-21-507.
    - Disposition: § 6-21-506.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.
3-202. Imposition of fines, penalties, and costs.
3-203. Disposition and report of fines, penalties, and costs.
3-204. Officers may not secure fines.
3-205. Contempt of court.
3-206. Trial and disposition of cases.
3-207. Electronic citation fee.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1984 Code, § 1-502)

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

In all cases heard by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions[1] for similar work in state cases. (1984 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or non-collection of all fines, penalties and costs imposed by his court during the current month and to date for the current fiscal year. (1984 Code, § 1-513)

3-204. Officers may not secure fines. The city judge shall not take any officer of the corporation as a security for a fine. (1984 Code, § 1-509)

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[1]State law reference
Tennessee Code Annotated, § 8-21-401.

3-205. Contempt of court. Contempt of court is punishable by a fine of fifty dollars ($50.00), or such lesser amount as may be imposed in the judge's discretion.

3-206. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1984 Code, § 1-506)

3-207. Electronic citation fee. The City of Mount Pleasant, Tennessee authorizes the collection of five dollars ($5.00) for each citation resulting in a conviction as recommended by the budget and finance advisory committee on July 5th, 2016. (as added by Ord. #2017-997, Feb. 2017)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

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

3-301. Issuance of arrest warrants.[1] The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1984 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1984 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1984 Code, § 1-505)

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[1]State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1984 Code, § 1-508)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.[1] (1984 Code, § 1-511)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1984 Code, § 1-512)

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

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY--POWER SYSTEM EMPLOYEES.
2. SOCIAL SECURITY--CITY EMPLOYEES AND OFFICIALS.
3. VACATIONS AND SICK LEAVE.
4. PERSONNEL REGULATIONS.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
6. TRAVEL RULES, REGULATIONS, AND PROCEDURES.

CHAPTER 1

SOCIAL SECURITY--POWER SYSTEM EMPLOYEES

SECTION
4-101. Policy and purpose as to coverage.
4-102. Necessary agreements to be executed.
4-103. Withholdings from salaries or wages.
4-104. Appropriations for employer's contributions.
4-105. Records and reports.
4-106. Exclusions from coverage.
4-107. When chapter effective.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Mount Pleasant, Tennessee, to extend to the employees of the Mount Pleasant Power System, a municipal power corporation, the benefits of the system of federal old-age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy and for that purpose the city shall take such action as may be required by applicable state or federal laws or regulations. (1984 Code, § 1-701)

4-102. Necessary agreements to be executed. The Mayor of the City of Mount Pleasant, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age and survivors insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1984 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at

such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds of the said Mount Pleasant Power System, such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-704)

4-105. Records and reports. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1984 Code, § 1-705)

4-106. Exclusions from coverage. There is hereby excluded from this chapter any authority to make any agreement with respect to any position, employee, or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city.

There is also excluded from this chapter any authority to make any agreement with respect to any position, employee or official, compensation for which is on a fee basis, or any employee engaged in rendering only services of an emergency nature, or in part-time positions, or any position, employee, or official not authorized to be covered by applicable state or federal laws or regulations. (1984 Code, § 1-706)

4-107. When chapter effective. This chapter shall take effect retroactive to July 1, 1951, the public welfare requiring it. (1984 Code, § 1-707)

CHAPTER 2

SOCIAL SECURITY--CITY EMPLOYEES AND OFFICIALS

SECTION

4-201. Policy and purpose as to coverage.
4-202. Necessary agreements to be executed.
4-203. Withholdings from salaries or wages.
4-204. Appropriations for employer's contributions.
4-205. Records and reports.
4-206. Exclusions from coverage.
4-207. When chapter effective.

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Mount Pleasant, Tennessee, to extend at the earliest date, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1984 Code, § 1-801)

4-202. Necessary agreements to be executed. The Mayor of the City of Mount Pleasant, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age and survivors insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1984 Code, § 1-802)

4-203. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-803)

4-204. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-804)

4-205. Records and reports. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1984 Code, § 1-805)

4-206. Exclusions from coverage. There is hereby excluded from this chapter any authority to make any agreement with respect to any position, employee, or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. (1984 Code, § 1-806)

4-207. When chapter effective. This chapter shall take effect retroactive to July 1, 1956, the public welfare requiring it. (1984 Code, § 1-807)

CHAPTER 3

VACATIONS AND SICK LEAVE

SECTION

4-301. Applicability of chapter.
4-302. Vacation leave.
4-303. Sick leave.
4-304. Leave records.
4-305. Family and Medical Leave Policy for city employees.

4-301. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1984 Code, § 1-901)

4-302. Vacation leave. Vacation leave shall be in accord with the City of Mt. Pleasant, Tennessee Employee Handbook, as amended. See § 4-401. (1984 Code, § 1-902, as amended by Ord. #2008-889, Feb. 2008, and Ord. #2009-896, July 2009)

4-303. Sick leave. Sick leave shall be in accord with the City of Mt. Pleasant, Tennessee Employee Handbook, as amended. See § 4-401. (1984 Code, § 1-903, as amended by Ord. #2008-889, Feb. 2008)

4-304. Leave records. The city manager shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credit earned and leave taken under this chapter. (1984 Code, § 1-904)

4-305. Family and Medical Leave Policy for city employees. There is hereby established for all employees of the City of Mt. Pleasant the benefits conferred in the Family and Medical Leave Act as provided in Title 29, United States Code, Chapter 28, section 2601, et seq. (Ord. #93-750, Oct. 1993)

CHAPTER 4

PERSONNEL REGULATIONS

SECTION

4-401. Employee handbook.
4-402. Business dealings.
4-403. Political activity.
4-404. Strikes and unions.
4-405. Employee's pension trust system adopted.

4-401. Employee handbook.[1] The document entitled City of Mount Pleasant, Tennessee Employee Handbook effective January 1, 2009 is hereby approved as the personnel employee handbook for the uses and purposes described in the preambles above, which said handbook shall be made available to all city employees and all city employees shall be required to acknowledge its receipt. The personnel policies described in said document will remain in effect until formally amended and approved by the board of commissioners and a copy of said document is annexed hereto and incorporated herein as if fully copied verbatim. (Ord. #2008-889, Feb. 2008)

4-402. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his city duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1984 Code, § 1-1201)

4-403. Political activity. Employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office (except for membership on the municipal governing body), the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Provided, however, no employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election. (1996 Code, § 1-1204, modified)

4-404. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1984 Code, § 1-1207)

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[1]A copy of the employee handbook (including any amendments) for Mount Pleasant is on file in the recorder's office.

4-405. Employees' pension trust system adopted. The City of Mount Pleasant hereby adopts, effective as of the anniversary date designated hereinafter, to wit: January 1, 1966, the City of Mount Pleasant, Tennessee, Employees Pension Trust System, which is incorporated by reference herein and made a part of this chapter as fully as if copied herein.

The duly authorized representatives of the City of Mount Pleasant are hereby authorized and directed to bind the City of Mount Pleasant in regard to any and all actions which the said city is required to take pursuant to this trust agreement in order to effectively carry out the retirement and death benefit plans incorporated therein, and the duly authorized representatives of the city are hereby authorized to act in the name of the city in this regard without further action of the board of commissioners. (1984 Code, § 1-1208)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-501. Program created.
4-502. Title.
4-503. Purpose.
4-504. Coverage.
4-505. Standards authorized.
4-506. Variances from standards authorized.
4-507. Administration.
4-508. Funding the program.

4-501. Program created. There is hereby created an Occupational Safety and Health Program for the employees of the City of Mount Pleasant, Tennessee, as follows. (Ord. #2005-847, March 2005, as replaced by Ord. #2013-962, Sept. 2013)

4-502. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Mount Pleasant, Tennessee. (Ord. #2005-847, March 2005, as replaced by Ord. #2013-962, Sept. 2013)

4-503. Purpose. The board of mayor and commissioners in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.

(2) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his 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.

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

(4) Provide for educational and training 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. #2005-847, March 2005, as replaced by Ord. #2013-962, Sept. 2013)

4-504. Coverage. The provisions of the Occupational Safety and Health Program for the employees of the City of Mount Pleasant shall apply to all

employees of each administrative department, commission, board, division, or other agency of the City of Mount Pleasant whether part-time or full-time, seasonal or permanent. (Ord. #2005-847, March 2005, as replaced by Ord. #2013-962, Sept. 2013)

4-505. Standards authorized. The occupational safety and health standards adopted by the board of mayor and commissioners 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 Occupational Safety and Health Act of 1972.[1] (Ord. #2005-847, March 2005, as replaced by Ord. #2013-962, Sept. 2013)

4-506. Variances from standards authorized. The board of mayor and commissioners 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, Occupational Safety, Chapter 0800-1-2, as authorized by the Occupational Safety and Health Act of 1972.[2] Prior to requesting such temporary variance, the board of mayor and commissioners 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 the main bulletin board as designated by the board of mayor and commissioners shall be deemed sufficient notice to employees. (Ord. #2005-847, March 2005, as replaced by Ord. #2013-962, Sept. 2013)

4-507. Administration. For the purpose of this chapter, the director of planning and codes 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 the occupational safety and health program. 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 Occupational Safety and Health Act of 1972.[3] (Ord. #2005-847, March 2005, as replaced by Ord. #2013-962, Sept. 2013)

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[1]State law reference
Tennessee Code Annotated, § 50-3-201, et seq.

[2]State law reference
Tennessee Code Annotated, § 50-3-601, et seq.

[3]State law reference
Tennessee Code Annotated, § 50-3-101, et seq.

4-508. <u>Funding the program</u>. Sufficient funds for administering and staffing the program pursuant to the ordinance comprising this chapter shall be made available as authorized by the board of mayor and commissioners. (Ord. #2005-847, March 2005, as replaced by Ord. #2013-962, Sept. 2013)

CHAPTER 6

TRAVEL RULES, REGULATIONS, AND PROCEDURES

SECTION

4-601. Enforcement.
4-602. Travel policy.
4-603. Travel reimbursement rate schedules.
4-604. Travel requests.
4-605. Travel documentation.
4-606. Mode of transportation.
4-607. Taxi, limousine, and other transportation fares.
4-608. Lodging.
4-609. Meals and incidentals.
4-610. Miscellaneous expenses.
4-611. Travel reconciliation.
4-612. Travel violations.

4-601. Enforcement. The city manager or his/her designee shall be responsible for the enforcement of the travel rules, regulations, and procedures. (Ord. #93-753, Dec. 1993, as replaced by Ord. #2017-1013, Nov. 2017)

4-602. Travel policy. (1) In the interpretation and application of this policy, the term "traveler" or "authorized traveler" 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 policy. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this policy.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. 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 city manager. 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, and/or advance billing directly to the city for registration fees, air fares, meals, lodging, conference, 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 city. It will be the responsibility of the city manager 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 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 city business for which travel was authorized; and

(b) Actual, reasonable, and necessary under the circumstances. The city manager may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.

(7) Claims of five dollars ($5.00) dollars 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 city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances, as well as disciplinary action up to and including termination.

(9) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (Ord. #93-753, Dec. 1993, as replaced by Ord. #2017-1013, Nov. 2017)

4-603. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the rates are adjusted. The city may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #93-753, Dec. 1993, as replaced by Ord. #2017-1013, Nov. 2017)

4-604. Travel requests. To ensure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval does not prohibit reimbursement, but it does assure reimbursement within the limits of the city travel policy. All costs associated with the travel should be reasonably estimated and shown on the authorization for travel form. An approved authorization form is needed before advanced expenses are paid or travel advances are authorized. A copy of the conference program, if applicable, should be attached to the authorization form. If the program is not available prior to the travel, you must attach it to your statement of expense claims form. (Ord. #93-753, Dec. 1993, as replaced by Ord. #2017-1013, Nov. 2017)

4-605. Travel documentation. It is the responsibility of the authorized traveler to:

(1) Prepare and accurately describe the travel;

(2) Certify the accuracy of the reimbursement request;

(3) Note on the reimbursement form all direct payments and travel advances made by the city; and

(4) File the expense form with the necessary supporting documents and original receipts. The expense form should be filed with the finance department within ten (10) days of return or at the end of the month, whichever is more practical. (as added by Ord. #2017-1013, Nov. 2017)

4-606. Mode of transportation. (1) All potential costs should be considered when selecting the modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation are not cost-beneficial, air travel is encouraged. If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, ordinary expenses during the meeting date, and one (1) day's meals and motel before and after the meeting. The traveler will be required to take annual leave for any additional time taken beyond the day before and the day after the meeting dates.

(2) Exceptions. When the traveler extends his or her trip with personal time to take advantage of discount fares, the reimbursement will be limited to the lesser of the:

(a) Actual expenses incurred; or

(b) The amount that would have been incurred for the business portion only. The calculations for the business portion of the trip must be made using the least expensive rates available. All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.

(3) Air. When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government, or weekend rates, whichever is cheaper, when making lodging or rental car reservations. The city will pay for tourist or economy class air travel. The traveler should get the cheapest reasonable fare and take advantage of discount fares. Airline travel can be paid by direct billing to the city. Mileage credits for frequent flyer programs accrue to the individual traveler. However, the city will not reimburse for additional expenses - such as circuitous routing, extended stays, layovers to schedule a particular carrier, upgrading from economy to first class - for travelers to accumulate additional mileage or for other personal reasons. The city will not reimburse travel by private aircraft unless authorized in advance by the city manager.

(4) Rail or bus. The city will pay for actual cost of ticket.

(5) Vehicles. (a) Automobile transportation may be used when a common carrier cannot be scheduled, when it is more economical, when

a common carrier is not practical, or when expenses can be reduced by two (2) or more city employees traveling together.

(b) Personal vehicle. Employees should use city vehicles when possible. Use of a private vehicle must be approved in advance by the city manager. The city manager may require that the employee use the city credit card for purchase of vehicle expenses, otherwise the city will pay a mileage rate not to exceed the rate allowed by the state schedule. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official city business will be reimbursed. If an indirect route is taken, a mapping application will be used to determine the mileage to be reimbursed. If a privately owned automobile is used by two (2) or more travelers on the same trip, only the traveler who owns or had custody of the automobile will be reimbursed for mileage. It is the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle. In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available air fare and associated air fare travel costs. Travelers will not be reimbursed for automotive repair or breakdowns when using their personal vehicle.

(c) City vehicle. The city manager may require the employee to drive a city vehicle. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Out-of-town repair cost to the city vehicle in excess of one hundred dollars ($100.00) must be cleared with the proper city official before the repair is authorized.

(d) Rental cars. Use of a rental care is not permitted unless it is less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the city manager. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out of-state travel must obtain liability coverage from the vendor.

(e) Fines. Fines for traffic or parking violations will not be reimbursed by the city.

(f) Tolls. Reasonable tolls will be allowed when the most direct travel route requires them. (as added by Ord. #2017-1013, Nov. 2017)

4-607. <u>Taxi, limousine, and other transportation fares</u>. When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The city will reimburse mileage for travel to and from the local airport and parking fees, provided such costs do not

exceed normal taxi/limousine fares to and from the airport. Receipts are required. For travel between lodging quarters and meetings, conference, or meals, reasonable taxi fares will be allowed. Remember, original receipts are required for claims of five dollars ($5.00) or more. Transportation to and from shopping, entertainment, or other personal trips is the choice of the traveler and not reimbursable. Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense form, claiming the destination and amount of each fare. (as added by Ord. #2017-1013, Nov. 2017)

4-608. Lodging. (1) The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the state rate schedule.

(2) Tennessee's reimbursement rate varies according to location and does not include appropriate taxes. State rates for travel reimbursement can be found in the state regulations online at https://www.tn.gov/assets/entities/finance/attachments/policy8.pdf.

(3) Original lodging receipts must be submitted with the expense form. Photocopies are not acceptable.

(4) If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.

(5) If the best rate is secured, and it still exceeds the maximum lodging per diem, the supervisor may authorize a higher reimbursement amount. Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting; however, more moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates, if these rates are higher than the normal reimbursable amounts.

(6) If two (2) or more city employees travel together and share a room, the lodging reimbursement rate will be the maximum of two (2) single rooms. If an employee shares a room with non-employee, the actual cost will be allowed up to the maximum reimbursable amount. The receipt for the entire amount must be submitted with the expense form.(as added by Ord. #2017-1013, Nov. 2017)

4-609. Meals and incidentals. Receipts are not required for meals and incidentals. The authorized traveler may be reimbursed the daily amount based on the rate schedule and the authorized length of stay. The per diem meal amounts are expected to cover meals, tips, porters, and incidental expenses. The authorized traveler will not be reimbursed more than this. Whether meals may be claimed depends on when the traveler leaves and returns to the official station. The traveler's official station is home or work, whichever produces the least cost to the city. If lunch or dinner is provided as part of a class/training, but the employee chooses to go on their own, the meal will not be reimbursed.

Regardless of which reimbursement rate the city uses, the amounts include tip, gratuity, not to exceed fifteen (15%) of cost of meal. (as added by Ord. #2017-1013, Nov. 2017)

4-610. Miscellaneous expenses. (1) Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging, and registration fees. Registration fees should be specified on the original travel request form and can include a request for preregistration fee payment.

(2) An allowance as defined in State of Tennessee guidelines and city travel policy will be reimbursable for hotel/motel check-in and baggage handling expenses. (as added by Ord. #2017-1013, Nov. 2017)

4-611. Travel reconciliation. (1) Within ten (10) days of return from travel, or by the end of the month, the traveler is expected to complete and file the expense claims form. It must be certified by the traveler that the amount due is true and accurate. Original lodging, if the city provided a travel advance or made advanced payment, the traveler should include that information on the expense form. In the case of advances, the form should have reconciliation summary, reflecting total claimed expenses with advances and city pre-payments indicated. The balance due the traveler or the refund due the city should be clearly shown below the total claim on the form or in a cover memo attached to the front of the form.

(2) If the traveler received a travel advance and spent less than the advance, the traveler should attach a check made payable to the city for that difference.

(3) The city manager will address special circumstances and issues not covered in this policy on a case-by-case basis. (as added by Ord. #2017-1013, Nov. 2017)

4-612. Travel violations. Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees. (as added by Ord. #2017-1013, Nov. 2017)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER
1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. MUNICIPAL LITIGATION TAX.
6. PURCHASING.
7. DEBT POLICY.

CHAPTER 1

MISCELLANEOUS

SECTION
5-101. Official depositories for city funds.
5-102. Depository guidelines.
5-103. Fiscal year.
5-104. Budget estimate.
5-105. Appropriation of funds for non-profit organizations.
5-106. Leasing of public parking spaces.

5-101. Official depositories for city funds. (1) City funds will be deposited in financial institutions which are either headquartered in the State of Tennessee or have significant business presence in Maury County or the City Of Mount Pleasant.

(2) The city will, at all times, utilize at least two (2) different financial institutions for deposit of city funds and may utilize up to four (4) financial institutions for said deposits.

(3) City funds will only be deposited in financial institutions which participate in the State of Tennessee Bank Collateral Pool.

(4) Excess or idle city funds may also be deposited in the Tennessee State Treasury Fund where municipalities can co-mingle funds with the state government to maximize interest rates earned. If utilized, this deposit vehicle will count as one of the four depositories utilized by the city.

(5) All financial institutions utilized will meet the collateral requirements specified by Tennessee state law.

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[1]Charter reference
Finance and taxation: title 6, chapter 22.

Within the guidelines specified above, the city manager and director of administration/budget director will determine the financial institutions to be used for deposit of city funds in a manner that best serves the city's business interests, maximizes city operating efficiencies, and provides the best security for city funds. If accounts are moved from one institution to another or if a change is made in the financial institutions used, the board of commissioners will be promptly advised in writing or at their next regularly scheduled meeting if said meeting occurs within five (5) business days.[1] (Ord. #2008-888, Nov 2008)

5-102. Depository guidelines. (1) City funds will be deposited in financial institutions which are either headquartered in the State of Tennessee or have significant business presence in Maury County or the City of Mount Pleasant.

(2) The city will, at all times, utilize at least two (2) different financial institutions for deposit of city funds and may utilize up to four (4) financial institutions for said deposits.

(3) City funds will only be deposited in financial institutions which participate in the State of Tennessee Bank Collateral Pool.

(4) Excess or idle city funds may also be deposited in the Tennessee State Treasury Fund where municipalities can co-mingle funds with the state government to maximize interest rates earned. If utilized, this deposit vehicle will count as one (1) of the four (4) depositories utilized by the city.

(5) All financial institutions utilized will meet the collateral requirements specified by Tennessee state law.

Within the guidelines specified above, financial institutions to be used for deposit of city funds shall be designated by ordinance in a manner that best serves the city's business interests, maximizes city operating efficiencies, and provides the best security for city funds. If accounts are moved from one institution to another or if a change is made in the financial institutions used, the board of commissioners will be promptly advised in writing or at their next regularly scheduled meeting if said meeting occurs within five (5) business days. (Ord. #2008-888, Nov. 2008, modified)

5-103. Fiscal year. The fiscal year of the city shall begin on the first day of July and end on the 30th day of June.[2] (1984 Code, § 6-103)

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[1]Charter reference
Tennessee Code Annotated, § 6-22-120 prescribes depositories for city funds.

[2]Charter reference
Tennessee Code Annotated, § 6-22-121 provides that the fiscal year of the city shall begin on July 1 unless otherwise provided by ordinance.

5-104. Budget estimate. The city manager shall, on or before the 15th day of May of each year, submit to the board of commissioners an estimate of the expenditures and revenue of the city for the ensuing fiscal year. (1984 Code, § 6-104)

5-105. Appropriation of funds for non-profit organizations.

(1) (a) Municipal funds for the financial aid of any non-profit charitable organization or any non-profit civic organization may be appropriated in accordance with the guidelines required by subsection (2).

(b) (i) For the purpose of this section "non-profit charitable organization" is one in which no part of the net earnings inures or may lawfully inure to the benefit of any private shareholder or individual and which provides year-round services benefitting the general welfare of the residents of the City of Mount Pleasant, Tennessee.

(ii) For the purposes of this section "non-profit civic organization" means a civic organization exempt from taxation pursuant to section 501(c)(4) or (c)(6) of the Internal Revenue Code of 1954, as amended, which operates primarily for the purpose of bringing about civic betterments and social improvements through efforts to maintain and increase employment opportunities in the municipality by promoting industry, trade, commerce, tourism and recreation by inducing manufacturing, industrial, governmental, educational, financial, service, commercial, recreational, and agricultural enterprises to locate in or remain in the municipality.

(2) Appropriations to non-profit organizations may be made only upon meeting the following guidelines:

(a) That municipal funds be appropriated only for non-profit charitable organizations and non-profit civic organizations as defined in subsection (b)(i) which provide services benefitting the general welfare of the residents of the municipality.

(b) That a separate resolution be adopted for each non-profit charitable or civic organization that is to receive municipal funds and that the resolution state the purpose for which the funds are being appropriated and the amount to be appropriated.

(c) That the budget document(s) specify, in detail, each non-profit charitable or civic organization by name and the specific amount that is appropriated for each non-profit charitable or civic organization.

(d) That payment to non-profit charitable or civic organizations be limited to the amounts appropriated for such purposes and in keeping with the proposed use of the contributed funds.

(e) That each non-profit charitable or civic organization to receive financial assistance from the municipality complete and file with

the city manager an application for the appropriation of municipal funds. Said application shall include a copy of an annual report of the organization's business affairs and transactions and the proposed use of the contributed funds. Such annual report shall include, but is not limited to, a copy of an annual audit and program identifying the services supplied to the residents of the municipality. The application shall be open for public inspection during regular business hours of the city clerk's office.

(f) Notice shall be published by the municipality in a newspaper of general circulation in the municipality of the intent to make an appropriation to a non-profit civic or charitable organization specifying the intended amount of the appropriation and the purpose for which the appropriation will be spent.

(g) The funds appropriated under this section shall be used and expended under the direction and control of the municipality in conjunction with the guidelines herein established and the procedures, as amended, of the State of Tennessee Comptroller of the Treasury.

(h) The application required by subsection (2)(e) shall be submitted by the city manager to the board of mayor and commissioners at the next regular meeting following the submission of said application to the city manager. (Ord. #98-789, April 1998)

5-106. Leasing of public parking spaces.[1] (1) The city manager is authorized to enter into binding contracts on behalf of the City of Mount Pleasant, Tennessee, to lease public parking spaces owned and designated by the city as such, without specific board approval, subject to the provisions of subsections (2) through (4) below.

(2) Only one single parking space shall be leased to any one person or business entity with the exception that any person or business entity owning or operating more than one business within the city may lease one parking space for each business owned or operated within the city. The term of any such lease shall be on a month to month basis at a monthly rental of ten dollars ($10.00) per month, payable on or before the first day of the month. The city shall have the right by resolution to modify the monthly lease amount due upon any monthly renewal. Any space leased pursuant to this section shall be used only for business or commercial purposes related to the operation of the lessee's business and the number of leased spaces per each business is limited to one (1); provided, however, any person or business entity leasing more than one space as of the effective date hereof, shall be entitled to retain the additional lease space for the balance of the existing monthly term thereof.

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[1]Municipal code reference

Motor vehicles, traffic and parking: title 15.

(3) In addition to the rental described in the preceding paragraph, upon the initial lease of any parking space, the person or business entity leasing same shall be responsible for the costs of marking or designating the lease space in a manner consistent with the marking or designation of other public and/or city-leased spaces within the city, including the cost of signage and installation of such signage. The person or business entity leasing such space shall pay in advance of the lease term the market cost as established by the city manager of marking or designating the lease space, including the cost of signage and installation of such signage. The city manager may modify said amount from time to time as cost adjustments occur. Further, the lessee shall be responsible for removing lessee's markings and/or designation and restoring the markings on the leased space to the condition of those markings on either side of said space and/or those generally existing within the city upon termination of the lease by either party.

(4) Either party to a lease entered into pursuant to this section may terminate the lease upon thirty (30) days advance written notice and the lessee shall not transfer, sublease or assign any lease entered into hereunder without the prior written approval of the city manager. Upon the termination (for any reason) of a lease entered into pursuant to this section, the city shall be entitled to immediate possession of the leased space without further notice or court approval and the burden of proving entitlement to possession shall shift to the lessee. (Ord. #2000-818, Sept. 2000)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable and delinquent; penalties.
5-202. Partial payments.

5-201. When due and payable and delinquent; penalties. All real property taxes due the city shall be due and payable and delinquent on the same dates as prescribed by law for property taxes due the county and shall thereupon be subject to such interest and penalty as is authorized and prescribed by the state law for delinquent county property taxes. (1984 Code, § 6-401)

5-202. Partial payments. (1) The city shall accept partial payments of annual real property taxes beginning in November 2014, and in November each year thereafter. Notwithstanding the schedule set forth below, the entire amount of taxes due must be paid in full on or by the 28th day of February 2015, and each year thereafter.

(2) Partial payments will be accepted according to the following schedule:

(a) Partial payments of real property taxes in increments of no more than four (4) payments during the months of November, December, January and February.

(b) Such payments must be in the amount of fifty dollars ($50.00) or more, except for the final payment.

(c) Partial payments made after the delinquency date will first be applied to any outstanding penalties and/ or interest due, and then to the remaining tax balance due.

(d) If the entire balance due is not paid prior to the delinquency date for such taxes the entire property shall be subject to a tax lien enforcement sale or other legally authorized procedures.

(3) Prior to the final reading of this ordinance, the city recorder shall transmit to the state comptroller of the treasury a copy of this ordinance, which shall serve as the plan required by Tennessee Code Annotated,§ 6-56-109(b). To fulfill the requirements of that section, the city hereby declares that:

(a) The city has the appropriate accounting technology to implement this program; and

(b) The city can implement this program within existing resources. (as added by Ord. #2014-976, Oct. 2014)

CHAPTER 3

PRIVILEGE TAXES

SECTION

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

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the City of Mount Pleasant at the rates and in the manner prescribed by the act. (1984 Code, § 6-201)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's payment of the appropriate privilege tax and collection and recording fee. (1984 Code, § 6-202)

CHAPTER 4

WHOLESALE BEER TAX

SECTION
5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[1] (1984 Code, § 6-301)

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

CHAPTER 5

MUNICIPAL LITIGATION TAX

SECTION

5-501. Levying of a municipal litigation tax.

5-501. Levying of a municipal litigation tax. On all cases in the Mt. Pleasant Municipal Court there is hereby levied a municipal litigation tax to match the state litigation tax (currently thirteen dollars and seventy-five cents ($13.75)). The municipal taxes collected shall be paid to the city recorder monthly to be used for any municipal purpose including, but not limited to, operating the city court and the police department. (Ord. #2002-832, Oct. 2002, modified, as amended by Ord. #2010-908, May 2010)

CHAPTER 6

PURCHASING

SECTION

5-601. Authority.
5-602. [Repealed.]
5-603. [Repealed.]
5-604. [Repealed.]

5-601. Authority. (1) In accordance with Tennessee Code Annotated, §§ 6-19-104 and 6-56-302, the purchase of all materials, supplies, equipment and services purchased under the authority of this chapter shall, unless otherwise provided by law, be purchased in accordance with City of Mount Pleasant Purchasing Rules, Regulations and Procedures, November 2017, which rules, regulations and procedures are incorporated herein as if fully copied verbatim and are available in the office of the city recorder.

(2) The Mount Pleasant Surplus Property Policy is adopted and shall be the official guideline for the sale or disposition of the city's surplus property. The surplus property policy is adopted by reference and incorporated herein as if fully copied verbatim and is available for in the office of the city recorder.(Ord. #94-754, March 1994, as repealed and replaced by Ord. #2011-922, Feb. 2011, amended by Ord. #2013-958, Sept. 2013, and replaced by Ord. #2017-1012, Nov. 2017)

5-602. [Repealed.] (Ord. #94-754, March 1994, as repealed by Ord. #2011-922, Feb. 2011)

5-603. [Repealed.] (Ord. #94-754, March 1994, as repealed by Ord. #2011-922, Feb. 2011)

5-604. [Repealed.] (Ord. #94-754, March 1994, as repealed by Ord. #2011-922, Feb. 2011)

CHAPTER 7

DEBT POLICY

SECTION

5-701. Model debt policy.

5-701. Model debt policy. The document entitled City of Mount Pleasant Debt Policy effective January 1, 2012, is hereby approved as the Debt Policy of the City of Mount Pleasant, Tennessee for the purposes described in the preamble of the ordinance comprising this section and stated in the footnote below.[1] A copy of said debt policy is annexed hereto and incorporated herein as if fully copied verbatim in all respects as Exhibit A. (as added by Ord. #2011-938, Dec. 2011)

[1]The State of Tennessee, through the office of the State Comptroller, has previously sought written comment on debt management practice; and it has been recommended that all municipalities update and/or establish a specific debt policy and it is appropriate to do so.

TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.
2. WORKHOUSE.
3. SPECIAL DEPUTY RESERVE OFFICERS PROGRAM.

CHAPTER 1

POLICE AND ARREST[1]

SECTION
6-101. Composition and organization of the police department.
6-102. Responsibilities of the chief and assistant chief.
6-103. Responsibilities of policemen generally.
6-104. Policemen to be armed, uniformed, etc.
6-105. Arrest powers; interference with policemen.
6-106. Authority of police to use force.
6-107. Attendance at board meetings.
6-108. Police to report defective streets, new buildings, defective street lights, etc.; to inspect businesses.
6-109. Record to be kept of persons arrested.
6-110. Daily record to be kept.

6-101. Composition and organization of the police department. The police department shall consist of the chief of police, an assistant chief of police, and such number of subordinate officers and personnel as the board of commissioners may provide for by this chapter, or as the city manager shall appoint with the approval of the board of commissioners.

The chief of police shall have control of the patrolmen and other officers and employees constituting the police force and the police department and all policemen and members of the police department shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1984 Code, § 1-401)

6-102. Responsibilities of the chief and assistant chief. The chief of police shall devote his entire time to the maintenance and preservation of the peace, good order, and cleanliness of the city. He shall aid, to the fullest extent of his ability, in the enforcement of all special laws relating to the city and all

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[1]Municipal code reference
Traffic citations, etc.: title 15, chapter 7.

ordinances thereof. He shall have general charge of the city jail and the prisoners therein. He shall keep an account of the duties performed by each member and note all absences from duty and the cause of same. He shall report all violations of rules and regulations of the police department to the city manager, together with the names of the witnesses to the facts. He shall render a monthly report to the city manager showing in detail the operations of his department. In the absence of the chief of police, the assistant chief of police shall act in his stead and shall have the same duties and responsibilities. (1984 Code, § 1-402)

6-103. Responsibilities of policemen generally. It shall be the duty of the chief of police, the assistant chief of police, the patrolmen, and other members of the police department, to prevent crime, to detect and arrest offenders, to suppress riots, to protect the rights of persons and property, to guard the public health by seeing that nuisances are removed, to restrain disorderly, bawdy, and gambling houses, to assist, advise, and protect strangers and travelers upon the streets, to execute any and all manner of processes upon persons or property, to arrest upon sight any person who shall be guilty of a breach of the ordinances of the city or a crime against the laws of the State of Tennessee, to assist the city court during the trial of cases, to promptly serve any legal processes issued by the court, and to do whatever else may be required of them by the board of commissioners. (1984 Code, § 1-403)

6-104. Policemen to be armed, uniformed, etc. All members of the police department, when on duty, shall wear such uniforms, hats, and badges as the city manager may determine, 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, and shall, in general, deport themselves in keeping with their positions. (1984 Code, § 1-404)

6-105. Arrest powers; interference with policemen. In making arrests, policemen and other members of the police department shall be clothed with the same powers and governed by the same restrictions as state officers in like cases. If any person resists or obstructs an officer, by force or threat, in the discharge of his duties, such person shall be subject to a penalty under the general penalty clause for this municipal code. (1984 Code, § 1-405)

6-106. Authority of police to use force. To make an arrest, either with or without a warrant, or to investigate disturbances, a policeman or other member of the police force may break open any outer or inner door or window of a dwelling house or other building if, after notice of his official authority and purpose, he is refused admittance, provided that all arrests shall be made without using boisterous or abusive language and without violence unless the use of force is necessary to make the arrest. (1984 Code, § 1-406)

6-107. Attendance at board meetings. The chief of police or, in his absence, one of the policemen, shall be present at the meetings of the board of commissioners and whenever requested by the board or by the city manager. (1984 Code, § 1-407)

6-108. Police to report defective streets, new buildings, defective street lights, etc.; to inspect businesses. It shall be the further duty of each member of the police force to make a report to the city manager of all defective and dangerous sidewalks, streets, bridges, or obstructions in streets, alleys or parkways, and to report all new buildings under construction or street lights or contractor's signals not burning, all new taxable businesses started, and to make said reports as soon as possible. When required by the city manager, they shall make an inspection of all businesses being conducted in the city which are subject to privilege taxes. (1984 Code, § 1-408)

6-109. Record to be kept of persons arrested. The chief of police shall see that every person arrested for violating any ordinance of the city gives to the department a description of himself or herself, which said description shall include the name, age, address, and height and any other information necessary. This description shall be numbered and placed on file in the department. (1984 Code, § 1-409)

6-110. Daily record to be kept. It shall be the duty of the chief of police to keep in the city hall a police blotter and comprehensive and detailed daily record showing the following:

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

(2) All arrests made by policemen, the name of each person arrested, the offense, the name of the witnesses, and whether the accused has been committed to jail or bail taken.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1984 Code, § 1-410)

CHAPTER 2

WORKHOUSE

SECTION

6-201. County jail to be used.
6-202. Inmates to be worked.
6-203. Compensation of inmates.

6-201. County jail to be used. The county jail is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1984 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1984 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars ($5.00) per day as credit toward payment of the fines assessed against him. (1984 Code, § 1-603)

CHAPTER 3

SPECIAL DEPUTY RESERVE OFFICERS' PROGRAM - MOUNT PLEASANT POLICE DEPARTMENT

SECTION

6-301. Mount Pleasant Police Department's special Deputy Reserve Officers' Program – description and purpose – ratification.
6-302. Method of appointment and qualifications of membership.
6-303. Training requirements.
6-304. Provision for equipment and/or gear to each special deputy reserve officer.
6-305. Requirements of the special deputy reserve officers.
6-306. Authority and duties.
6-307. Term of duty.

6-301. Mount Pleasant Police Department's Special Deputy Reserve Officers' Program -- description and purpose -- ratification. The special deputy reserve officers program designated the "Mount Pleasant Police Department Special Deputy Reserve Officers Program" composed of not more than a maximum of nine (9) officers at any given time is hereby ratified. The Mount Pleasant Police Department will consist of at least four (4) special deputy reserve officers at all times. Special deputy reserve officers shall be considered as volunteers and special deputies as further defined in Tennessee Code Annotated,§ 38-8-101(6)(A) and (B) and by the Peace Officers Standards and Training Commission (POSD), section 1110-8-.01(2) as any person who is assigned specific police functions as to the prevention and detection and crime and general laws of this state on a volunteer basis, whether working alone or with other police officers, who works on a volunteer basis only and receives no pay or benefits, except for honorariums, and may be utilized for an unlimited number of hours. Reserve police officers shall be under the control and supervision of the chief of police and shall serve at his pleasure. The special deputy reserve officer program is a completely voluntary program and special deputy reserve officers shall not receive any wages, vacation time, sick days, retirement benefits and/or any other specific remuneration. Provided, any special deputy reserve officer, after serving six (6) or more months in the program, who is hired full-time by the Mount Pleasant Police Department will receive one (1) week vacation and three (3) sick days beginning on the hire date and must take the one (1) week vacation within the first seven (7) months of the hire date.

6-302. Method of appointment and qualifications of membership. No person shall assume duties as or hold himself out to be a special deputy reserve police officer until after being duly appointed by the Mount Pleasant

Chief of Police. Each special deputy reserve officer shall meet the following minimum requirements:

(1) Be at least twenty-one (21) years of age;

(2) Be a citizen of the United States;

(3) Be a high school graduate or possess the equivalent. (No waiver will be granted for minimum education requirements);

(4) Not have been convicted of, or plead guilty to, or entered a plea of nolo contendre to any felony charge or to any violation of any federal law, state law, or city ordinance relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances. (Notwithstanding the above, a waiver may be granted for a misdemeanor violation if the officer has satisfied the requirements of the court of conviction and is no longer on probation or under the supervision of any court or court officer including without limitation the offense of driving under the influence);

(5) Shall not have been released or discharged under any criteria other than honorable discharge from any of the armed forces of the United States;

(6) Have his/her fingerprints on file with the Tennessee Bureau of Investigation;

(7) Have passed a physical examination by a licensed physician; and

(8) Have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological fields as being free from any disorder, as set forth in the current edition of the DSM that would, in the professional judgment of the examiner, impair the subject's ability to perform any essential function of the job. (as added by Ord. #2013-967, Dec. 2013)

6-303. Training requirements. Every special deputy reserve officer is or will be required to attend and pass a twelve (12) week program designated by the Mount Pleasant Chief of Police. Special deputy reserve officers will, upon successful completion of the twelve (12) week program, be required to ride with a full-time law enforcement officer with the Mount Pleasant Police Department for thirty-two (32) hours before the special deputy reserve officer will be allowed to ride alone and must have these thirty-two (32) hours completed within the first year. Each special deputy reserve officer must have at least eighty (80) hours of training their first year and forty (40) hours every year thereafter designated by the Mount Pleasant Police Chief. All training records will be kept by the Mount Pleasant Police Department under the care of the departmental training officer. All special deputy reserve officers must have at least eight (8) hours of firearms and child abuse training, and two (2) hours of emergency vehicle training each year, with the exception of the first year where all special reserve officers must have at least twelve (12) hours of firearms training in addition to the aforementioned training. OC pepper spray training and X26 taser training must be completed by the special deputy reserve officer before the officer is allowed to carry pepper spray or the X26 taser and/or its equivalent. (as added by Ord. #2013-967, Dec. 2013)

6-304. Provision for equipment and/or gear to each special deputy reserve officer. By way of illustration, the Mount Pleasant Police Department may generally furnish the following equipment and/or gear to all special deputy reserve officers and all special deputy reserve officers will be responsible for the care of such equipment and/or gear:

(1) Glock 40 caliber firearms;
(2) Walkie-talkie (radio);
(3) Breast badge;
(4) Collar pin;
(5) OC pepper spray (Freeze Plus P);
(6) Handcuffs;
(7) Holster level 3;
(8) Ammo;
(9) Bullet-proof vest;
(10) Duty belt;
(11) Uniform patches.

All special deputy reserve officers will be individually responsible for obtaining the following equipment and/or gear:

(1) Uniforms;
(2) Trouser belt;
(3) Boots;
(4) Name plate; and
(5) The cost of physical and psychiatric tests.

No equipment will be assigned to any special deputy reserve officer until he and/or she successfully completes the first twelve (12) week training program and completes the physical exam and psychiatric tests before the eighth (8th) week of training. (as added by Ord. #2013-967, Dec. 2013)

6-305. Requirements of the special deputy reserve officers. All special deputy reserve officers will be required to accompany a full-time Mount Pleasant police officer at least sixteen (16) hours a month once the officer has successfully completed the twelve (12) week program. All special deputy reserve officers will be assigned a SOP manual and general order book which they are required to read and adhere to the requirements stated therein. All special deputy reserve officers will adhere to the policies and procedures of the Mount Pleasant Police Department and will be under the supervision of the chief of police or the shift supervisor or supervisor in charge of special events that a reserve officer has been assigned. The shift supervisor will assign the special deputy reserve officer to a full-time officer or patrol unit. No special deputy reserve officer will accompany another officer without the prior approval of the shift supervisor or assistant chief. No special deputy reserve officer will be allowed to ride with the K-9 unit/officer. (as added by Ord. #2013-967, Dec. 2013)

6-306. Authority and duties. The authority of reserve police officers shall be limited solely to those times when authorized to act in such capacity by the chief of police and/or his designated supervisors. Each reserve deputy upon completion of all required training hereunder shall have those responsibilities, powers and authority granted to all regular police officers as designated under the Mount Pleasant Municipal Code, §§ 6-103, et. seq. (as added by Ord. #2013-967, Dec. 2013)

6-307. Term of duty. Abuse of authority or indicia of office. The Mount Pleasant Police Department or a special deputy reserve officer may terminate their agreement to serve as a volunteer without prior notice. Upon termination any assigned equipment/gear issued by the Mount Pleasant Police Department to a special deputy reserve officer must be returned to the chief of police's office by the end of the business day upon termination of any agreement by the department or the special deputy reserve officer. Any special reserve police officer may be relieved of reserve officer status by the chief of police at any time or for any reason or no reason under the sole discretion of the chief of police. Termination of reserve officer status by the chief of police is mandatory if such reserve police officer:

(1) Uses his position at any time when not so authorized;

(2) Wears or displays a uniform, insignia or identification at any time when not assigned or when not traveling to or from such duty station;

(3) Violates any rule, regulation or general order of the police department; or

(4) Violates any section of this chapter or any provision of state law. (as added by Ord. #2013-967, Dec. 2013)

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER
1. FIRE DISTRICT.
2. FIRE CODE.
3. LIFE SAFETY CODE.
4. FIRE DEPARTMENT.
5. PRIVATE ALARM SYSTEMS ORDINANCE.
6. FIREWORKS ORDINANCE.

CHAPTER 1

FIRE DISTRICT

SECTION
7-101. Fire district described.
7-102. Fire hydrants--public fire hydrant minimal water flow capacity and color coding.

7-101. Fire district described. The corporate fire districts shall be and include all the area within the Mount Pleasant City Limits. (1984 Code, § 7-101, as replaced by Ord. #2016-991, Aug. 2016)

7-102. Fire hydrants--public fire hydrant minimal water flow capacity and color coding. (1) Public fire hydrants shall not be installed within the municipality on water mains less than six inches (6") in diameter. All public water mains shall be sized, and fire hydrants shall be located, to provide adequate water supplies to meet the needed fire flow for the occupancy at risk.

(2) All public fire hydrants within the municipality shall comply with the following color coding system to distinguish which public fire hydrants within the municipality can or cannot produce the above-required fire flow at the required residual pressure. This ordinance shall be posted at the municipality's fire department in a readily visible and conspicuous manner and each employee of the fire department shall affix his or her signature to said ordinance acknowledging and indicating that they have read and understand the ordinance and agree not to connect a pumper fire truck to those color coded hydrants which cannot produce five hundred (500) gpm at twenty (20) psi residual pressure.

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

(3) All public fire hydrants within the municipality are to be color-coded in the following manner. All barrels are to be red, except in cases where another color has already been adopted. The tops and nozzle caps shall be painted with the following capacity-indicating color scheme after each public fire hydrant has been tested and rated.

NFPA 291-Standard color codes for flows at 20 psi are as follows

Class AA - 1,500 GPM and above-BLUE top and caps.

Class A - 1,000-1,499 GPM-GREEN top and caps.

Class B - 500-999 GPM- ORANGE top and caps.

Class C - Less than 500 GPM- Red top and caps.

(4) It shall be unlawful for any fire truck pumper with solid suction hose to connect to any hydrant that cannot produce five hundred (500) gpm at twenty (20) psi residual pressure. (Ord. #2002-833, Nov. 2002, as amended by Ord. #2016-991, Aug. 2016)

CHAPTER 2

FIRE CODE[1]

SECTION

7-201. Fire code adopted.
7-202. Enforcement.
7-203. Definition of "municipality."
7-204. Storage of explosives, flammable liquids, etc.
7-205. Gasoline trucks.
7-206. Variances and appeals.
7-207. Available in building inspector's office.
7-208. Violations and penalties.
7-209. New materials, processes, or occupancies which may require permits.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code, 2012 edition, including Appendices B, C, D, E, F, G, H, and I as published by the International Code Council, is hereby adopted as the fire code of the City of Mt. Pleasant, in the State of Tennessee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the City of Mt. Pleasant are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in § 7-204 of this chapter. Pursuant to the requirement of Tennessee Code Annotated,§ 6-54-502, one (1) copy of the International Fire Code and the Life Safety Code have been filed with the city recorder and are available for public use and inspection. Said International Fire Code and Life Safety Code are adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. In the event of a conflict between the International Fire Code and the Life Safety Code, the most stringent code requirement shall apply. (1984 Code, § 7-201, as amended by

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

Ord. #2005-854, Oct. 2005, modified, and replaced by Ord. #2016-991, Aug. 2016)

7-202. Enforcement. The fire prevention code shall be enforced by the bureau of fire prevention in the fire department of the City of Mount Pleasant, Tennessee, which is hereby established and which shall be operated under the supervision of the chief of the fire department. The chief of the fire department shall be in charge of the bureau of fire prevention. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall have the authority to appoint such technical inspectors as he deems necessary. A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality. It shall contain all proceedings under this code with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable. (1984 Code, § 7-202, as replaced by Ord. #2016-991, Aug. 2016)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Mount Pleasant, Tennessee. (1984 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in § 16.105(b) of the fire 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.

(2) The limits referred to in § 20.201(a) of the fire 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.

(3) The limits referred to in § 20.601 of the fire 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.

(4) The limits referred to in § 25.04(a) of the fire 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. (1984 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1984 Code, § 7-205)

7-206. Variances and appeals. The board of appeals and adjustments established pursuant to the fire code shall decide all requests for variances from,

and appeals of, the application of said code in accordance with the rules and procedures set forth in said code. (1984 Code, § 7-206, modified)

7-207. Available in building inspector's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the building inspector's office and shall be kept there for the use and inspection of the public. (Ord. #89-706, June 1989, as replaced by Ord. #2016-991, Aug. 2016)

7-208. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code, here in 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 commissioners or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. Violations may be punished by the maximum fine allowable by law and or as well as any expenses additional expenses incurred by the City of Mount Pleasant as a result of the violation. (1984 Code, § 7-207, as amended by Ord. #2005-854, Oct. 2005, as replaced by Ord. #2016-991, Aug. 2016)

7-209. New materials, processes, or occupancies which may require permits. The city manager, superintendent of inspections, and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the fire prevention code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (as added by Ord. #2016-991, Aug. 2016)

CHAPTER 3

LIFE SAFETY CODE

SECTION

7-301. Life safety code adopted.
7-302. Modifications.
7-303. Available in recorder's office.
7-304. Powers conferred are supplemental.
7-305. Violations.

7-301. Life safety code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of fire prevention and fire safety, within or without the city, the Life Safety Code, 2012 edition as prepared and adopted by the National Fire Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the Life Safety Code. (Ord. #99-802, April 1999, as replaced by Ord. #2016-991, Aug. 2016)

7-302. Modifications. Whenever the Life Safety Code refers to the "chief adopting authority," the "administrative authority," or the "governing authority," it shall be deemed to be a reference to the city manager of this city. Whenever the term "inspector" or "fire chief" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the Life Safety Code. (Ord. #99-802, April 1999)

7-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Life Safety 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. #99-802, April 1999, as replaced by Ord. #2016-991, Aug. 2016)

7-304. Powers conferred are supplemental. The Life Safety Code shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof and the powers conferred by this code shall be in addition and supplemental to the powers conferred by the charter or other laws. (Ord. #99-802, April 1999)

7-305. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the Life Safety Code herein adopted by reference and modified. (Ord. #99-802, April 1999)

CHAPTER 4

FIRE DEPARTMENT[1]

SECTION

7-401. Establishment, equipment, and membership.
7-402. Objectives.
7-403. Organization, rules, and regulations.
7-404. Records and reports.
7-405. Tenure and compensation of members.
7-406. Chief responsible for training and maintenance.
7-407. Chief to be assistant to state officer.
7-408. Police power of firemen.
7-409. Firemen to wear uniforms, etc.
7-410. Services outside city.
7-411. Volunteer firefighters' program.

7-401. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall consist of a chief of the fire department and such number of subordinate officers, personnel and firemen as the city manager shall employ. (Ord. #88-693, April 1988)

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[1]Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

- Fire chief
  - Appointment: § 6-21-701.
  - Duties: § 6-21-702.
  - Emergency: § 6-21-703.
- Fire marshal: § 6-21-704
- Firemen
  - Appointment: § 6-21-701.
  - Emergency powers: § 6-21-703.

Municipal code reference

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

7-402. Objectives. The fire department shall have as its objectives:

(1) To prevent uncontrolled fires from starting.

(2) To prevent the loss of life and property because of fires.

(3) To confine fires to their places of origin.

(4) To extinguish uncontrolled fires.

(5) To prevent loss of life from asphyxiation or drowning.

(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

(7) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable.

(8) To provide code enforcement and building inspections as directed by the city within adopted codes and ordinances.

(9) To serve as the emergency management agency of the city.

(10) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.

(11) To work with the water department to insure that adequate water supplies for fire protection are available.

(12) To provide public fire and life safety education materials and information to the citizens in order that they may protect themselves from harm and reduce the risk of fire in the community. (1984 Code, § 7-402, as amended by Ord. #2016-991, Aug. 2016)

7-403. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, and shall have control of all employees constituting the fire department, and in case of riot, conflagration, or other emergency, the city manager or the chief of the fire department may appoint additional firemen and officers for temporary service only. The chief of the fire department shall devote his entire time to the prevention and control of fires in the City of Mount Pleasant. (Ord. #88-693, April 1988)

7-404. Records and reports. The chief of the 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 city manager once each month, and at the end of the year a detailed annual report shall be made. (Ord. #88-693, April 1988)

7-405. Tenure and compensation of members. The chief of the fire department shall hold office so long as his conduct and efficiency are satisfactory to the city manager. The city manager is hereby empowered to discipline the chief of the fire department when deemed necessary for the good of the department, including temporary suspension or termination.

All other members of the fire department shall hold office so long as their conduct and efficiency is satisfactory to the chief of the fire department, who shall control the members of the fire department while on duty, exacting from them obedience to all of the rules and regulations adopted for the department. He may discipline members of his department for insubordination or violation of the rules, including temporary suspension or termination.

All personnel of the fire department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (Ord. #88-693, April 1988)

7-406. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (Ord. #88-693, April 1988)

7-407. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (Ord. #88-693, April 1988)

7-408. Police power of firemen. When fighting fires, the ranking officer of the fire department, during the actual conflagration, shall be clothed with police power to the same extent and with the same authority as the members of the police force. (Ord. #88-693, April 1988)

7-409. Firemen to wear uniforms, etc. All members of the fire department, when on duty, shall wear such uniforms, hats, and badges as the city manager may determine and shall deport themselves in keeping with their positions. (Ord. #88-693, April 1988)

7-410. Services outside city. The fire department is not authorized to perform services outside the corporate limits except in connection with mutual aid assistance between the City of Mount Pleasant and other governmental entities. (Ord. #88-693, April 1988)

7-411. Volunteer firefighters' program. (1) The Mount Pleasant Fire Department Volunteer Firefighters' Program consisting of no less than twenty (20) volunteers and no more than twenty-five (25) volunteers selected by the chief of the fire department is ratified.

(2) Each such volunteer firefighter selected and/or appointed by the chief of the fire department shall meet the following minimum requirements:

(a) Be at least eighteen (18) years of age;

(b) Be a citizen of the United States;

(c) Be a high school graduate or possess the equivalent;

(d) Not have been convicted of, or pleaded guilty to, or entered a plea of nolo contendre to any felony charge or to any violation of any federal law, state law, or city ordinance relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances. (Notwithstanding the above, a waiver may be granted for a misdemeanor violation if the volunteer has satisfied the requirements of the court of conviction and is no longer on probation or under the supervision of any court or any court officer, including without limitation, the offense of driving under the influence);

(e) Satisfactorily complete the physical obstacle course required by the Mount Pleasant Fire Department;

(f) Reside within twenty (20) miles of the corporate limits of the City of Mount Pleasant, Tennessee; and

(g) Shall not have been released or discharged under any criteria other than honorable discharge of any of the armed forces of the United States.

(3) All fire department volunteers as selected above shall receive the minimum training requirements required by the State of Tennessee by virtue of Tennessee Code Annotated, § 4-24-112 which includes the following:

(a) Sixteen (16) hours of initial training developed by the Tennessee Fire Service and Codes Enforcement Academy in firefighting procedures and techniques or complete equivalent training approved by the Tennessee Commission on Firefighting Personnel Standards and Education, and

(b) Within thirty-six (36) months after selection as a volunteer firefighter, the firefighter must have completed the basic and live firefighting course offered by the Tennessee Fire Service and Codes Enforcement Academy or an equivalent course. Each volunteer firefighter must attend at least six (6) monthly meetings scheduled by the Mount Pleasant Fire Department each year and attend and satisfactorily complete all in-service training offered by the fire department. Each volunteer firefighter shall satisfactorily complete and maintain all training certifications required by the State of Tennessee Commission of Firefighting which may include by way of example the following: CPR/AED; First Responder Medical; Vanessa K. Free Driver Training; Vehicle Extraction; Pumper Operations, and NIMS Courses. All required training shall be provided at the expense of the City of Mount Pleasant.

(4) The Chief of the Fire Department shall be responsible for supervision of the volunteer firefighters while on duty, shall be responsible for

ensuring they meet the minimum qualifications for membership, that they successfully complete the minimum training requirements and shall otherwise be responsible for their duties of employment.

(5) All volunteer firefighters, when on duty, shall wear such equipment, uniforms, hats, and badges as the chief of the fire department may determine and shall deport themselves in keeping with their positions. Upon notice of termination by the chief of the fire department, each volunteer firefighter shall immediately return to the city all such equipment, uniforms, hats and/or badges provided by the city to the firefighter.

(6) All selected volunteer firefighters will adhere to the policies and procedures of the Mount Pleasant Fire Department and will be under the supervision of the chief or the shift supervisor or supervisor in charge and/or on duty at the time that said volunteer firefighters are called for duty. The authority of volunteer firefighters shall be limited solely to those times when authorized to act in such capacity by the chief of the fire department and/or his designated supervisors. Any volunteer firefighter may be relieved of volunteer firefighter status by the chief of the fire department at any time for any reason or for no reason under the sole discretion of the chief of the fire department. Termination of volunteer firefighter status by the chief of the fire departments is mandatory if such volunteer firefighter:

(a) Uses his position at any time when not so authorized;

(b) Wears or displays a uniform, insignia or identification at anytime when not assigned or when not actively performing his duties under the direct supervision of the chief of the fire department or his designated supervisor;

(c) Violates any rule, regulation or general order of the fire department; or

(d) Violates any section of this chapter or any provision of state law.

(7) All volunteer firefighters are paid on a per-call response basis determined by the nature or type of incident and/or call. The volunteer firefighters' program is otherwise completely voluntary and volunteer firefighters shall not receive any other type or kind of remuneration or benefits from the City of Mount Pleasant or the Mount Pleasant Fire Department, including wages, vacation time, sick days, retirement benefits or any other type remuneration or benefits. Volunteer firefighters shall be eligible and given favorable consideration for any needed or open full-time employment within the fire department. (as added by Ord. #2013-968, Dec. 2013)

CHAPTER 5

PRIVATE ALARM SYSTEMS ORDINANCE

SECTION

7-501. Title.
7-502. Definitions.
7-503. Notification and permits required.
7-504. Duties of permit holders.
7-505. Automatic dialing devices.
7-506. Response to false alarm--required reports of corrective action and disconnection.
7-507. Enforcement.
7-508. Disposition of fees.
7-509. Violations.

7-501. Title. This chapter shall be known as the "Private Alarm Systems Ordinance." (Ord. #2005-846, Feb. 2005)

7-502. Definitions. For the purpose of this ordinance, the following terms shall have the following meanings:

(1) "Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

(2) "Alarm systems" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dialing telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; self-contained smoke detectors; and medical-alert alarms.

(3) "Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central station which are permanently active and terminate within the dispatcher's office of the Mount Pleasant Police Department.

(4) "Commercial premises" means any structure or area which is not defined herein as residential premises.

(5) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employees, servants or agents; or any other activation of the alarm system not caused by a fire or forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other conditions which are clearly beyond the control of the alarm user. A maximum of five (5) false burglar alarms; three (3) false robbery/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

(6) "Fire officer" means the Fire Chief of the Mount Pleasant Fire Department or his designated representatives.

(7) "Law enforcement officer" means the Chief of Police of the Mount Pleasant Police Department or his designated representatives.

(8) "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to include a government or governmental subdivision or agency thereof.

(9) "Residential premises" means any structure or combination of structures which serve as dwelling units including single family as well as multi-family units and churches, public schools and other non-profit organizations. (Ord. #2005-846, Feb. 2005)

7-503. <u>Notification and permits required</u>. Every person who shall own, operate or lease any alarm system as defined herein within the corporate limits of the City of Mount Pleasant, Tennessee, whether existing or to be installed in the future, shall, within one hundred twenty (120) days of the effective date of this ordinance for existing alarm systems or prior to the use of a new alarm system, notify the Mount Pleasant Police Department, on forms to be provided, of:

(1) The type, make and model of each alarm device and, if the alarm system is monitored, by whom.

(2) Whether installed in a residential or commercial premises.

(3) The name, address, business and/or home telephone number of the owner or lessee of the alarm system.

(4) The names, addresses, and telephone numbers of at least two (2) persons to be notified in the event of an alarm activation.

At the time of submission of this notification, the owner, operator or lessee of said alarm system shall submit a fee of fifteen dollars ($15.00) to the City of Mount Pleasant Recorder's Office for obtaining a permit for each alarm device in said system, if the system is maintained on residential premises, and thirty dollars ($30.00) for each alarm device, if the system is maintained on commercial premises. All permit fees are due January 1 annually and will be

prorated during the year applied for. Annual renewal fees of fifteen dollars ($15.00) for residential users and thirty dollars ($30.00) for commercial users will apply. (Ord. #2005-846, Feb. 2005)

7-504. Duties of permit holders. (1) Each owner, operator, or lessee shall be responsible for training employees, servants, or agents in the proper operation of an alarm system.

(2) Each owner, operator, or lessee of an alarm system shall insure that the correct address identification is visible from the street or roadway on which the premises are located.

(3) Any audible alarm shall be equipped with an automatic shut off to function within twenty (20) minutes of the alarm sounding, excluding fire alarms.

(4) The current alarm registration sticker provided each premises shall be displayed near the primary entrance so as to be easily visible from outside the building. (Ord. #2005-846, Feb. 2005)

7-505. Automatic dialing devices. (1) Within one hundred twenty (120) days of the effective date of this ordinance, it shall be a violation of this ordinance for any automatic dialing device to call on the 911 or E911 emergency line. Such devices shall be restricted to dialing the non-emergency police, fire or Emergency Medical Services phone numbers.

(2) Any automatic dialing device shall:

(a) Have a clearly understandable recording;

(b) Be capable of repeating itself a minimum of two (2) times;

(c) Be capable of automatically resetting itself so as to not continuously call police, fire or EMS phone numbers.

(3) Programmed messages on an automatic dialing device must include and are restricted to the following:

(a) The owner's/resident's names and the exact street number and name;

(b) A statement that it is a burglar or robbery/panic "ALARM ONLY." It shall not say burglary or robbery "in progress."

(c) A statement of the hours the business is open, if the device is used for both burglar and robbery/panic alarms.

(d) A statement that a third-party has been notified, and the identity of that third-party, if a third-party is notified by the device. (Ord. #2005-846, Feb. 2005)

7-506. Response to false alarm--required reports of corrective action and disconnection. (1) The only alarms the Mount Pleasant Police Department, Fire Department or Emergency Medical Services will respond to are:

(a) Burglary;

(b) Robbery/hold-up;
(c) Fire;
(d) Medical;
(e) Panic.

(2) Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(3) A response to an alarm shall result when any police or fire department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the police dispatch office back within five (5) minutes of the original call, it will not be considered a false alarm. No violation, fine, or recourse will take place in the above time interval unless the responding Mount Pleasant Police Officer or Fire officer has already arrived before the second call has been made to disregard and/or to cancel the alarm. If a member of the Mount Pleasant Police Department or Mount Pleasant Fire Department has not arrived on the scene within twenty (20) minutes of the original alarm (notification), it will not be chargeable response or fine of any sort.

(4) After the allowable false alarms set out in § 7-502(5), each person who owns, operates, leases or controls any premise, commercial or residential, having an alarm system, shall be cited to Mount Pleasant Court for any response to a false alarm. Within fifteen (15) days of the date of a conviction the person shall show proof to the police department of the corrective action taken to remedy the problem/situation. Failure to show corrective action will be grounds for revocation of the permit; however, no disconnection shall be ordered on any premises required by law to have an alarm system in operation. (Ord. #2005-846, Feb. 2005)

7-507. Enforcement. Mount Pleasant Police and Fire Department officers are specifically authorized to enforce this ordinance. Any Mount Pleasant Police or Fire officer may lawfully issue a citation to an owner, operator or user of a functional alarm system who has not obtained the permit required by § 7-503, or whose alarm system has given a false alarm in excess of the number of false alarms allowed under § 7-402(5). (Ord. #2005-846, Feb. 2005)

7-508. Disposition of fees. All fees collected pursuant to this ordinance shall be paid to the City of Mount Pleasant general fund.

The provisions of this ordinance shall not be applicable to residential or commercial premises which are located outside the municipal limits of the City of Mount Pleasant. (Ord. #2005-846, Feb. 2005)

7-509. Violations. (1) It shall be a violation of this ordinance to have a functional alarm system without having obtained a permit as required by § 7-503.

(2) Having an alarm activated without a permit shall constitute a violation of this ordinance.

(3) It shall be a violation of this ordinance when any Mount Pleasant Police Department or Fire Department officer responds to a false alarm after the allowable false alarms set out in § 7-502(5) have been exhausted.

(4) Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification by police or fire personnel of alarm activation, whether false or not, shall be deemed to have violated this ordinance.

(5) It shall be a violation of this ordinance for an alarm company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such cases, the permit shall be obtained the next business day.

(6) It shall be a violation of this ordinance for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the police department dispatch office is notified to cancel the call within five (5) minutes of the original call, it will not be considered a false alarm, unless the responding agency arrives on the scene before the original call is cancelled. If a responding police or fire service has not arrived on the scene within twenty (20) minutes of the original notification, it will not be a chargeable response. The false alarm shall not be charged to the owner, operator or lessee.

(7) Any non-compliance with the requirements of this ordinance shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable by a fine of fifty dollars ($50.00) plus court costs. (Ord. #2005-846, Feb. 2005)

CHAPTER 6

FIREWORKS ORDINANCE

SECTION

7-601. Permits for the sale of fireworks; public displays.
7-602. Time for use of fireworks.
7-603. Penalty for violation.

7-601. Permits for the sale of fireworks; public displays. (1) It is unlawful for any person to sell, offer for sale, ship or cause to be shipped into the City of Mount Pleasant any items of fireworks without first having secured a permit issued by the City of Mount Pleasant as provided in this chapter. An applicant for such permit shall pay a non-refundable fee of five hundred dollars ($500.00) for each location for which a permit is requested. A permit is to be valid for one (1) sale period.

(2) A permit to sell fireworks to the general public is valid on the dates and in conformity with the time period allowed for the sale of fireworks by the permit issued to applicant by the State of Tennessee Fire Marshal's Office.

(3) It shall be unlawful for any person to use or conduct a special fireworks for public display without first also having secured a permit from the city manager, chief of police or fire chief of the City of Mount Pleasant or their respective designee. A permit to discharge fireworks for public display may be obtained for any time of the year and the fee therefore shall be fifty dollars ($50.00).

(4) However, Mount Pleasant High School football games shall be exempt from the permit fee requirement for fireworks and celebratory cannon fire. An application and a permit are still required. (Ord. #2006-866, Dec. 2006, as amended by Ord. #2016-991, Aug. 2016)

7-602. Time for use of fireworks. The time of day to discharge fireworks is restricted from 10:00 A.M. until 10:00 P.M. on the same dates it is permissible to sell fireworks within the City of Mount Pleasant, provided that on July 3 fireworks may be used and discharged until 1:00 A.M. on July 4th, and on Christmas Eve, December 24 fireworks may be used and discharged until 1:00 A.M. on Christmas Day, December 25, and on December 31 fireworks may be used and discharged until 1:00 A.M. on January 1. (Ord. #2006-866, Dec. 2006)

7-603. Penalty for violation. All persons violating this chapter shall be punished by a fine in the maximum amount allowed by state law with each day being a separate offense. (Ord. #2006-866, Dec. 2006)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.
3. ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-101. Subject to regulation.
8-102. Terms defined.
8-103. License required for retail business.
8-104. Certificate of moral character/compliance.
8-105. Limitation on number of retailers.
8-106. Location restrictions on retailers.
8-107. Inspection fee.
8-108. Bonds of retailers.
8-109. Miscellaneous restrictions on license holders and their employees.
8-110. License to be displayed.
8-111. Transfer of licenses prohibited; term of licenses; use of agents.
8-112. Expiration and renewal of licenses.
8-113. New license after revocation.
8-114. Federal license, effect of.
8-115. Regulations for purchase and sale of intoxicating liquors.
8-116. Retailers must follow state law as to deliveries.
8-117. Regulation of retailers.
8-118. Failure to pay license or inspection fee, etc.
8-119. City manager may examine books, papers, etc., of dealers.
8-120. Violations.
8-121. Revocation procedures.
8-122. Visible open containers on streets prohibited.
8-123. Chapter not applicable to beer.

8-101. Subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, or distributing, or to purchase or

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

possess alcoholic beverages within the corporate limits of this municipality except as provided by Tennessee Code Annotated, title 57, as amended, or as hereafter amended and by rules and regulations promulgated thereunder all of which are incorporated by reference as if verbatim and as provided in this chapter. (1984 Code, § 2-101, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-102. Terms defined. (Pursuant to Tennessee Code Annotated, § 57-3-101) Whenever used herein unless the context requires otherwise:

(1) (a) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, wine, and high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as defined in§ 57-5-101(b). Notwithstanding any provision to the contrary in this title, except for beer as defined in § 57-5-101(b), "alcoholic beverage" or "beverage" "also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content. Liquid products intended for beverage purposes containing alcohol that do not meet the definition of beer under § 57-5-101(b) shall also be alcoholic beverages. Notwithstanding this subdivision (a)(1)(A), products or beverages containing less than one half of one percent (1/2 of 1%) alcohol by volume, other than wine as defined in this section, shall not be considered to be alcoholic beverages, and shall not be subject to regulation or taxation pursuant to chapters of this title.

(b) Notwithstanding this definition, ethanol produced in a facility whose production process is primarily a wet milling process in bulk and sold and transported in bulk lots of five thousand (5,000) gallons or more and not packaged for retail sale by the holder of a valid alcohol fuels permit or a valid distilled spirits permit:

(i) For export to another country;

(ii) To a domestic manufacturer, distiller, vintner, or rectifier who is a duly licensed alcohol beverage or liquor manufacturer in this or some other state; or

(iii) To a manufacturer who uses the ethanol to create a product which is incapable of human consumption or contains less than one half of one percent (1/2 of 1%) alcohol by volume; shall not be considered to be an alcoholic beverage and shall not be subject to regulation or taxation pursuant to chapters 1-6 and 9 of this title;

(2) "Distiller" means any person who owns, occupies, carries on, works, conducts or operates any distillery either personally or by an agent;

(3) "Distillery" means and includes any place or premises wherein any liquors are manufactured for sale;

(4) "Federal license" does not mean tax receipt or permit;

(5) "Gallon" or "gallons" means a wine gallon or wine gallons, of one hundred and twenty-eight (128) ounces;

(6) "Gift" means and includes the unauthorized distribution of alcoholic beverages by a licensee for which no payment is expected or received; provided, however, that it does not include any such transaction between a licensee and its employee or employees in the normal course of employment or depletions from a licensee's inventory related to routine business or marketing purposes where all applicable taxes have been paid;

(7) "High alcohol content beer" means an alcoholic beverage which is beer, ale or other malt beverage having an alcoholic content of more than eight percent (8%) by weight and not more than twenty percent (20%) by weight, except wine as defined in § 57-3-101, that is brewed, regulated, distributed or sold pursuant to chapter 3 of this title; provided, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol;

(8) "Importer" means any person or entity holding a non-manufacturer nonresident seller's permit pursuant to § 57-3-602(c) or any entity causing alcoholic beverages to be delivered or shipped into this state holding an importer's basic permit from the alcohol and tobacco tax and trade bureau of the United States Department of the Treasury;

(9) "License" means the license issued pursuant to this chapter;

(10) "Licensee" means .any person to whom such license has been issued pursuant to this chapter;

(11) "Manufacture" means and includes brewing high alcohol content beer, distilling, rectifying and operating a winery;

(12) "Manufacturer" means and includes a brewer of high alcohol content beer, distiller, vintner and rectifier;

(13) "Municipality" means an incorporated town or city having a population of nine hundred twenty-five (925) persons or over by the federal census of 1950 or any subsequent federal census; provided, however, that when any incorporated town or city by ordinance authorizes a census to be taken of such incorporated town or city and shall furnish to the commission a certified copy of the census containing the name, address, age and sex of each person enumerated therein, and if the census shall show that the incorporated town or city has a population of nine hundred twenty-five (925) persons or over, the commission, upon verification of the census, may declare such incorporated town or city to be a "municipality" for all intents and purposes of this chapter;

(14) "Pint" means one eighth (1/8) of a wine gallon;

(15) "Quart" means one fourth (1/4) of a wine gallon;

(16) "Rectifier" means and includes any person who rectifies, purifies or refines distilled spirits or wines by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or

refining distilled spirits, shall, by mixing such spirits, wine or other liquor with any material, manufacture any imitation of, or compounds liquors for sale under the name of, whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or any other name;

(17) "Retail food store wine license" means a license for the sale of wine at retail in a retail food store.

(18) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under this chapter;

(19) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale; provided, however, that it does not include any transaction between a licensee and its employee or employees in the normal course of employment for which no payment is expected or received or depletions from a licensee's inventory related to routine business or marketing purposes where all applicable taxes have been paid;

(20) "Vintner" means any person who owns, occupies, carries on, works, conducts or operates any winery, either personally or by an agent;

(21) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under this chapter;

(22) "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale, except that sales by a person licensed under § 57-3-204 to a charitable, nonprofit, or political organization possessing a valid special occasion license for resale by such organizations pursuant to their special occasion license shall not be construed as such a sale;

(23) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine; and

(24) "Winery" means and includes any place or premises wherein wines are manufactured from any fruit or brandies distilled as the by-product of wine or other fruit or cordials compounded, and also includes a winery for the manufacture of wine.

Words importing the masculine gender include the feminine and the neuter, and the singular includes the plural. (1984 Code, § 2-102, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-103. <u>License required for retail business</u>. For the retail sale of alcoholic beverages a license may be issued as herein provided. Any person, firm or corporation desiring to sell alcoholic beverages to patrons or customers, in sealed packages only, and not for consumption on the premises, shall make application to the city manager for a retailer's license. The application shall be

in writing on forms prescribed and furnished by the city manager. Subject to the issuance of a retail license by the Alcoholic Beverage Commission of the State of Tennessee, a majority of the Board of Commissioners of the City of Mount Pleasant may issue such retailer's license. Such retailer's license shall not be issued unless and until the applicant therefor shall pay to the city recorder a license fee of two hundred and fifty dollars ($250.00); and no license shall be issued except to individuals who are residents of the State of Tennessee and either have been bona fide residents of the state for at least two (2) years next preceding or who have at any time been residents of the State of Tennessee for at least ten (10) consecutive years or have been licensed pursuant to § 57-3-204 for a period of seven (7) consecutive years. (1984 Code, § 2-103, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-104. Certificate of moral character/compliance. Every applicant for a retail business license to sell alcoholic beverages in sealed packages for off premise consumption pursuant to and in compliance of Tennessee Code Annotated, § 57-3-204 or for a renewal of said license pursuant to Tennessee Code Annotated, § 57-3-213 shall make an application to the Board of Commissioners of the City of Mount Pleasant, on forms provided by the city, for a certificate of moral character/compliance.

Every application for a certificate of moral character/compliance shall be referred to the city manager for investigation and to the city building inspector for verification of compliance with all zoning and building ordinances and/or regulations, and to the city attorney for review, each of whom shall submit his findings to the board of commissioners within thirty (30) days of the date each application was filed.

A majority of the board of commissioners of the City of Mount Pleasant may issue a certificate of moral character/compliance pursuant to Tennessee Code Annotated, § 57-3-208(b) to an applicant or applicants if the investigation shows:

(1) That the applicant or applicants who are to be in actual charge of said business have not been convicted of a felony within a ten (10) year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten (10) year period immediately preceding the date of the application; and further, that in the official's opinion the applicant will not violate any of the provisions of this chapter.

(2) That the applicant or applicants have secured a location for said business which complies with all restrictions of any local law, ordinance or resolution, duly adopted by the local authorities as to location within the city or county, and that the applicant or applicants meet all residency requirements, if any, established by such local authority; and

(3) That the applicant or applicants have complied with any local law, ordinance or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the jurisdiction.

(4) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a certificate, shall be a violation of this chapter. The town may refuse to issue a certificate if, upon investigation, the town finds that the applicant for a certificate has concealed or misrepresented in writing or otherwise any material fact or circumstance concerning the operation of the business, or if the interest of the applicant in the operation of the business is not truly stated in the application, or in case of any fraud or false swearing by the applicant touching any matter relating to the operation of the business. All data, written statements, affidavits, evidence or other documents submitted in support of an application are a part of the application.

(5) If the provisions of this section are alleged to have been violated, the board of commissioners may by majority vote revoke any certificate which has been issued, after first providing an opportunity for the applicant or certificate-holder to refute such allegations and to show cause why the certificate should not be revoked.

(6) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

(7) Provided, however, that no certificate of moral character/compliance shall be issued to any applicant or applicants who are not and have not been for at least two (2) years resident citizens of the County of Maury or who were licensed pursuant to § 57-3-204.

(8) A failure on the part of the issuing authority to grant or deny the certificate within sixty (60) days of the written application for such shall be deemed a granting of the certificate. (1984 Code, § 2-104, as amended by Ord. #88-695, Aug. 1988, and replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-105. Limitation on number of retailers. There shall be no limit on the number of retailers as long as they are in compliance with federal, state, and municipal law. (1984 Code, § 2-105, as amended by Ord. #88-695, Aug. 1988, and replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-106. Location restrictions on retailers. No certificate of compliance shall be granted the operator of a retail store for the sale of alcoholic beverages except on premises; provided, however, no retail store shall be permissible where the proposed location thereof is within five hundred fifty feet (500') of a church or a school. A retailer's license under this chapter shall not be valid except at the premises recited in the application, and any change of location of

said business shall be cause for immediate revocation of said license by the city manager unless the new location is approved in writing by the city manager. (1984 Code, § 2-106, as amended by Ord. #88-695, Aug. 1988, and replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-107. Inspection fee. The City of Mount Pleasant hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (1984 Code, § 2-107, and replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-108. Bonds of retailers. Bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in Tennessee. Bonds of retailers shall be five hundred dollars ($500.00). Said bonds shall be conditioned that the principal thereof shall pay any fine which may be assessed against such principal. (1984 Code, § 2-108, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-109. Miscellaneous restrictions on license holders and their employees. (1) The license fee for every license hereunder shall be payable by the person making application for such license and to whom it is issued, and no other person shall pay for any license issued under this chapter. In addition to all other penalties, a violation of this section shall authorize and require the revocation of the license, the fee for which was paid by another, and also the revocation of the license, if any, of the person so paying for the license of another.

(2) No retailer's license shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(3) No retailer shall be a person who has been convicted of a felony involving moral turpitude within ten (10) years prior to the time he or the concern with which he is connected shall receive a license; provided; however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction; and in the case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him.

(4) No license shall under any condition be issued to any person who within ten (10) years preceding application for such license or permit shall have

been convicted of any offense under the laws of the State of Tennessee or of any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling intoxicating liquors or who has, during said period, been engaged in business alone or with others, in violation of any of said laws or rules and regulations promulgated pursuant thereto, or as they existed or may exist thereafter.

(5) No manufacturer, brewer, or wholesaler shall have any interest in the business or building containing licensed premises of any other person having a license hereunder, or in the fixtures of any such person.

(6) It shall be unlawful for any person to have ownership in, or participate, either directly or indirectly, in the profits of any retail business licensed, unless his interest in said business and the nature, extent, and character thereof shall appear on the application; or if the interest is acquired after the issuance of a license, unless it shall be fully disclosed to the city manager and approved by him. Where such interest is owned by such person on or before the application for any license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if said interest is acquired after the issuance of the license, the burden of said disclosure of the acquisition of such interest shall be upon the seller and the purchaser.

(7) No person shall be employed in the sale of alcoholic beverages except a citizen of the United States.

(8) No retailer, or any employee thereof, engaged in the sale of alcoholic beverages shall be a person under the age of twenty-one (21) years, and it shall be unlawful for any retailer to employ any person under twenty-one (21) years of age for the physical storage, sale, or distribution of alcoholic beverages, or to permit any such person under said age in its place of business to engage in the storage, sale, or distribution of alcoholic beverages.

(9) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and in case an employee should be convicted he shall immediately be discharged; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.

(10) The issuance of a license does not vest a property right in the licensee, but is a privilege subject to revocation or suspension under this chapter.

(11) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a license or certificate shall be a violation of this chapter. The city may refuse to issue a certificate if, upon investigation, the town finds that the applicant for a certificate has concealed or misrepresented in writing or otherwise any material fact or circumstance

concerning the operation of the business, or if the interest of the applicant in the operation of the business is not truly stated in the application, or in case of any fraud or false swearing by the applicant touching any matter relating to the operation of the business. All data, written statements, affidavits, evidence or other documents submitted in support of an application are a part of the application.

(12) No retail licensee shall hold more than fifty percent (50%) of the licenses in Mount Pleasant.

(13) For five (5) years beginning January 1, 2014, no retail license shall be issued to any applicant for a new location that is within one thousand five hundred feet (1,500') of an existing operating establishment holding a license issued pursuant to Tennessee Code Annotated, § 57-3-204 as of July 1, 2014, (an "existing licensed premises") if the applicant for such new retail license already holds one (1) or more retail licenses issued under Tennessee Code Annotated, § 57-3-204, unless the commission receives the written consent from each retail licensee owning an existing licensed premises within one thousand five hundred feet (1,500') of such new location. Notwithstanding any law to the contrary, the holder of one (1) or more retail licenses issued under Tennessee Code Annotated, § 57-3-204 may purchase the business or assets of an existing licensed premises and obtain a retail license to operate such existing licensed premises, as the same may be expanded or modified, from time to time. Nothing in this subdivision shall be deemed to prohibit a retailer licensed under Tennessee Code Annotated, § 57-3-204 from obtaining a new or replacement license in connection with the relocation of an existing licensed premises, as long as the new location is within the jurisdiction of the municipality or county issuing the certificate required under Tennessee Code Annotated, § 57-3-208 for such existing licensed premises.

(14) Nothing in this chapter shall prohibit a retailer from offering a discount in such manner as the retailer deems appropriate as long as the discount being offered is not below the cost paid by the retailer to purchase the alcoholic beverages from the wholesaler.

(15) If the provisions of this section are alleged to have been violated, the board of commissioners may by majority vote revoke any certificate which has been issued, after first providing an opportunity for the applicant or certificate-holder to refute such allegations and to show cause why the certificate should not be revoked.

(16) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (As added by Ord. #2016-996, Jan. 2017 and replaced by Ord. #2017-1011, Nov. 2017)

8-110. License to be displayed. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified

to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license, and shall promptly procure and keep at the place of business a copy of the rules and regulations promulgated by the alcoholic beverage commission. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-111. Transfer of licenses prohibited; term of licenses; use of agents. The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued. Provided, however, that licensees who are serving in the military forces of the United States in time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-112. Expiration and renewal of licenses. Licenses issued under this chapter shall expire at twelve (12) months after issuance and, subject to the provisions of this chapter, maybe renewed each year by payment of the above mentioned license fee. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-113. New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date said revocation becomes final and effective. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-114. Federal license, effect of. The possession of any federal license to sell alcoholic beverages without the corresponding requisite state license, shall in all cases be prima facie evidence that the holder of such federal license is selling alcoholic beverages in violation of the terms of this chapter. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-115. Regulations for purchase and sale of intoxicating liquors.

(1) It shall be unlawful for any person in this city to buy any alcoholic beverages herein defined from any person who does not hold the appropriate license under this chapter authorizing the sale of said beverages to him.

(2) No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, nor shall any wholesaler sell any alcoholic beverages to anyone other than a licensed retailer.

(3) No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street and such place of business shall have no other entrance for use by the public except as hereafter provided. When a retail store is located on the comer of two (2) public streets such retail store may maintain a door opening on each of the public streets. Provided, however, that any sales room adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby so long as same shall be open to the public, and provided further, that every retail store shall be provided with whatever entrances and exits may be required by existing or future municipal ordinances.

(4) No holder of a license for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered, any alcoholic beverages on credit.

(5) No alcoholic beverages shall be sold for consumption on the premises of the seller except as provided for in chapter 3 of this title.

(6) The sale and delivery of alcoholic beverages shall be confined to the premises of the licensee and curb service is not permitted.

(7) To the fullest extent consistent with the nature of the establishment, full, free, and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.

(8) No form of entertainment, including pin ball machines, music machines, or similar devices, shall be permitted to operate upon any premises from which alcoholic beverages are sold.

(9) No advertising is allowed by a licensee, person, firm, corporation, partnership, or any other entity by billboards, displays, posters, or designs intended to advertise any alcoholic beverage within the corporate limits of the City of Mount Pleasant, outside the building of a licensee, except that a sign, subject to the approval of the city manager, may be erected upon the property occupied by the licensee. No sign shall exceed the size of six by three feet (6' x 3'), and no flashing lights shall be allowed.

(10) No alcoholic beverages shall be sold for consumption on the premises of a package store. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-116. Retailers must follow state law as to deliveries. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-117. Regulation of retailers. (1) No retailer for off premises consumption shall sell, lend, or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend, or give away such beverages to any person accompanied by a person who is drunk.

(2) No retailer shall sell, lend, or give away any alcoholic beverages to a person under twenty-one (21) years of age.

(3) No retailer for off premises consumption shall sell, lend, or give away any alcoholic beverages between eleven o'clock P.M (11:00 A.M.) on Saturday and eight o'clock A.M. (8:00 A.M.) on Monday of each week, and between eleven o'clock P.M. (11:00 P.M.) and eight o'clock A.M. (8:00 A.M.) Monday through Saturday.

(4) No retailer shall sell, lend, or give away any alcoholic beverages upon Christmas, Thanksgiving, Labor Day, New Year's Day, and, the Fourth of July.

(5) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverage in any unsealed bottles or other unsealed containers. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-118. Failure to pay license or inspection fee, etc. Whenever any person licensed here under fails to account for or pay over to the city recorder any license or inspection fee, or defaults in any of the conditions of his bond, the city manager shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such license or inspection fee. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-119. City manager may examine books, papers, etc., of dealers. The city manager is authorized to examine the books, papers, and records of any dealer for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-120. Violations. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine under the general penalty clause for this municipal code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with a petition that all licenses be revoked, pursuant to the provisions of said commission. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-121. Revocation procedures. Whenever the board of commissioners find that a licensee has been, or is, in violation of the provisions of Tennessee Code Annotated, title 57, chapter 1, or the provisions of this chapter, they shall certify such violation to the state alcoholic beverage commission, in such form as the commission requires, which shall have the responsibility for determining

whether the offender's license shall be suspended or revoked. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-122. Visible open containers on streets prohibited. Visible possession of alcoholic beverage in an unsealed container upon any public street shall be a violation of this chapter. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-123. Chapter not applicable to beer. No provision of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation, etc., or tax upon beer or other liquids with an alcoholic content of five percent (5%) or less, more specifically in chapter 2 of this title. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

CHAPTER 2

BEER[1]

SECTION

8-201. Purpose of chapter.
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8-221. Investigation of applicants, agents and/or employees.
8-222. Prohibited conduct or activities by beer permit holder.
8-223. Suspension and revocation of beer permits.
8-224. Civil penalty in lieu of revocation or suspension.
8-225. Loss of clerk's certification for sale to minor.

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[1]State law reference

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

8-226. City business license.
8-227. Privilege tax.
8-228. Violations.
8-229. Employees liable for violations.
8-230. Application fee for sale of beer.

8-201. Purpose of chapter. This chapter is adopted to regulate the sale of beer or other beverages of like content as herein defined within the corporate limits of the City of Mount Pleasant. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-202. Beer business subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as provided by the laws of the State of Tennessee or any other beverages of like alcoholic content, within the corporate limits of the City of Mount Pleasant, subject to all of the regulations limitations and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-203. "Beer" and "intoxicating liquors" defined. The term "beer" as used in this chapter shall mean and include all intoxicating beverages such as beers, ales and other fermented liquors having an alcoholic content of not more than five percent (5%) in weight. The term "intoxicating liquor" as used in this chapter shall mean any beverage containing more than five percent (5%) alcoholic strength in weight as set forth in Tennessee Code Annotated, § 52-2-101. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-204. Beer board established. There is hereby established a beer board to be composed of three (3) residents of the City of Mount Pleasant, over the age of twenty-one (21) years, who shall be appointed by the mayor and approved by the board of commissioners. The members of said board shall hold office for one (1) year or until their successors are appointed and qualified. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-205. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall meet as necessary. The time for the meeting shall be set by the unanimous vote of members of the beer board. A special meeting of the beer board may be called by its chairman provided he gives reasonable notice thereof to each board member, and the board may adjourn a meeting at any time to another time and place. (Ord. #2007-880, Jan.

2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-206. Record of beer board proceedings to be kept. The city manager of the City of Mount Pleasant shall furnish a secretary who shall attend all meetings of the beer board. The secretary shall make a separate record of the proceedings of all meetings of the beer board. This record shall be a public record and shall contain at least the following: The day of each meeting; the names of the board members present and absent; in cases of hearings before the beer board, a record of evidence introduced and testimony heard before the board; the provision of each permit issued by the board as to whether it is a permit for the sale for off-premises consumption or for sale for on-premises consumption. The secretary shall also obtain a list of the names and addresses of all holders of beer permits, which list shall be kept on current basis. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-207. 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. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-208. 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 this city in accordance with the provisions of this chapter.

The beer board is hereby given broad powers of investigation, and it shall have the authority to inspect the premises of any applicant and at all reasonable hours may investigate the premises of all permit holders. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-209. Permit required for engaging in the beer business; term of permit; annual inspections of premises; filing and publication requirements. No person shall engage in the storing, selling, distributing or manufacturing of beer or other beverages of like alcoholic content within the corporate limits of the City of Mount Pleasant until he shall receive a permit to do so from the beer board of the City of Mount Pleasant. The permit shall at all times be subject to all of the limitations and restrictions herein provided. Also, the applicant shall certify that he or she has read and is familiar with the provisions of this chapter and applicable state law.

Permits so issued shall continue in effect so long as the owner and operator of the premises remains the same and the establishment continues to do business; the location of the premises remains the same; the business continues to be operated under the name identified in the permit application; and all inspections required under this chapter are passed and the annual privilege tax is paid. For the purposes of this chapter, if the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner. A permit holder must return the beer permit to the beer board of the City of Mount Pleasant within fifteen (15) days of termination of business, change in ownership, relocation of the business or change of the business name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business name. The premises shall be inspected annually by all authorities that inspect for the initial issuance of the permit and the failure to comply with all the terms of such inspections may result in the revocation of the permit; provided, however, nothing contained herein shall be construed to require the periodic renewal of beer permits.

Public notice of said application shall be published in the local newspaper at least on one (1) occasion prior to the special called meeting of said beer board before any action shall be taken thereon. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-210. Restrictions on granting permits. No permit, shall be issued to sell any beverage coming within the provisions of this chapter:

(1) In violation of any provisions of the state law or of this chapter or any amendment thereto.

(2) In violation of the zoning ordinance of the City of Mount Pleasant.

The judgment of the beer board on such matters shall be final, except as same is subject to review under Tennessee Code Annotated. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-211. Application forms; effect of false statements or misrepresentations therein. No permit shall be issued except upon an application in writing submitted to the beer board. The application shall be on proper forms furnished by the city recorder. Any misrepresentation or false statement contained in the application upon which a permit is used shall subject said permit to immediate revocation upon a hearing after notice as provided below, issued upon a proper complaint charging that there has been a misrepresentation or false statement in said application. At such hearing the burden of proof shall be upon the holder of the permit to establish the truth of each statement and representation made in his or her application. Any applicant making a false statement in the application shall forfeit the permit and shall not

be eligible to receive any permit for a period often (10) years. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-212. Application requirements. (1) Each application must explicitly and affirmatively state:

(a) The name of the applicant;

(b) The name of the applicant's business;

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

(d) If beer will be sold at two (2) or more restaurants or other businesses in the same building, pursuant to the same permit, a description of all such businesses;

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

(f) The identity and address of a representative to receive annual tax notices and any other communication from the city;

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

(h) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premise consumption. If a holder of a beer permit for either on-premises consumption or for off-premises consumption desires to change the method of sale, such permit holder shall apply to the beer board for a new permit;

(i) That the applicant will not engage in the sale of beer except at the place or places for which the beer board has issued a permit;

(j) That no sale of beer will be made except in accordance with the permit granted;

(k) That no sale will be made to persons under twenty-one (21) years of age, and that the applicant will not allow disorderly persons to loiter around the place of business;

(l) That the applicant will be responsible for any gambling on the premises and the permit will be subject to revocation by reason of the same. That the applicant will not allow nor has allowed the place of business to become a public nuisance or a nuisance to law enforcing

agencies of the City of Mount Pleasant, nor that it has or will create a nuisance;

(m) That the applicant has secured a certificate or statement from the chief of police or other designated official that the premises which the application covers meets the requirements of this chapter and applicable state law. Such certificate or statement must be attached to the original application; and

(n) That the applicant has not had his or her permit revoked within one (1) year.

(o) No permit shall be issues unless-the applicant is a lawful resident or citizen of the United States for one (1) year prior to application. Tennessee Code Annotated, § 57-5-103 (2016).

(2) No application shall be acted upon by the beer board unless:

(a) The application along with the nonrefundable application fee of two hundred fifty dollars ($250.00) is submitted to the city recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered unless said period is waived by the beer board. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-213. Beer permits shall be restrictive; special event permits.

(1) 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 the retail sale of beer may be further restricted so as to authorize sales only for off-premises consumption. A single permit may be issued for on- premise and off-premise consumption. 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 in his permit.

(2) A special occasion beer permit may be issued by the beer board and is a permit which may be issued to a bona fide charitable, nonprofit or political organization. Such permit shall be issued for no longer than one (1) twenty-four (24) hour period, subject to the hours of sale which may be imposed by law or regulation, and such permit may be issued in advance of its effective date. Such permit shall not be issued unless and until there shall have been paid to the City of Mount Pleasant for each such permit a permit fee of one hundred fifty dollars ($150.00), and there shall have been submitted to the beer board an application which designates the premises upon which beer shall be served. No such charitable, nonprofit or political organization shall be eligible to receive more than two (2) special occasion licenses in any calendar year. For the purpose of this section "bona fide charitable or nonprofit organization" means any corporation which has been recognized as exempt from federal taxes under § 501(c) of the Internal Revenue Code (26 U.S.C.501(c)) or any organization having been in existence for at least two (2) consecutive years which expends at

least sixty percent (60%) of its gross revenue exclusively for religious, educational or charitable purposes; "bona fide political organization" means any political campaign committee as defined in Tennessee Code Annotated, § 2-10-102 or any political party as defined in Tennessee Code Annotated, § 2-13-101. (Ord. #2007-880, Jan. 2008, modified, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-214. Licenses not transferable; issued only to individuals, not to clubs, etc. Every license to engage in the business of selling, storing, and receiving beer and ale and other beverages encompassed in this chapter, shall be issued to an individual, and shall be in his name. No license may be issued to a club, association, firm, or corporation, but shall be issued to the person who will be immediately and directly responsible for the operation of the premises, and no such license shall be transferred, assigned, or used by any other person to conduct said business. No license shall be effective for any premises other than the premises for which said license is issued. No person shall be permitted to move or change the address of the licensed premises. If a license is issued for the ground floor of any structure within the corporate limits, the same may not be used in the event the place of business is changed to a basement under said premises, or to an upper floor above said designated location, nor shall such license permit the use of any adjacent, adjoining, or additional building.

When any person licensed hereunder as the owner, operator, or manager sells, rents, leases, transfers, or assigns his property rights in the licensed premises, the license issued to him or her shall be surrendered to the city manager at the city hall, and when any change in location of the premises shall occur, the licensee shall surrender his said license to the city manager as of the day of the change. (Ord. #2007-880, Jan. 2008, as amended by Ord. #2008-885, and replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-215. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses and stamps as required by law. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-216. Restrictions on permits based on proximity to schools, churches, public parks or other places of public gathering and on permits that would cause congestion of traffic or interfere with public health, safety and morals. No permit authorizing the sale, storing, distributing, or manufacturing of beer will be issued when such business would cause congestion of traffic or would interfere, with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit authorizing the sale of beer for off-premises consumption shall be issued to an applicant whose location is less than two

hundred and fifty feet (250') from a church or one thousand feet (1,000') of any school. No permit authorizing the sale of beer for on-premises consumption, storage, distribution, or manufacture of beer shall be issued to an applicant whose location. is less than five hundred feet (500') of any church, or one thousand (1,000') feet of any school. All distance requirements shall be measured in a straight line from the front door of any proposed establishment that will be permitted to the front door of the church or school. This measurement shall be verified and certified by the city office of code enforcement and/or the Mount Pleasant Police Department in writing, which certification shall be provided to the beer board and made a part of the application file of any beer permit applicant. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-217. Restrictions as to issuance of licenses; location, arrangement and use of premises. Licenses and/or permits for the retail sale of beer shall not be granted under the following circumstances:

(1) When the issuance of such licenses and/or permits would cause the number then issued and outstanding to exceed the applicable maximum set forth in this chapter.

(2) When the applicant or any person employed or to be employed by the applicant has been convicted in any court of any offense against the laws on possession, transportation, storage, sale or manufacture of intoxicating liquor or of any crime involving moral turpitude within the last ten (10) years past.

(3) Where the proposed location of the business would violate the minimum distance requirements between the location of the business and any church or school as addressed in § 8-216.

(4) The business premises where the selling of beer, ale or other alcoholic beverages within the scope of this chapter is to be licensed is not so arranged that the front of said building provides an unobstructed view of the entire part of the premises where sales are made or customers served or where the premises does not comply with zoning or building code ordinances or regulations of the city.

(5) At any location where the business premises is located or to be located that would cause congestion of traffic, interference with schools, churches or other places of public gathering, or otherwise interferes with public health, safety and morals or is a hazard to public traffic, whether pedestrian or vehicular. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-218. Limitation on number of permits. Licenses shall be issued as follows:

(1) Across the counter--licenses for on-the-premises consumption only.

(2) Packaged--licenses for consumption of off-the-premises only.

(3) Combination across the counter and packaged--licenses for both on- and off-the-premises sales.

(4) The maximum number of retail across the counter beer licenses at any time shall be ten (10).

(5) The maximum number of retail packaged beer licenses at any time shall be fifteen (15).

(6) The maximum number of retail combination across the counter and packaged beer licenses at any time shall be three (3). Provided that all requirements of this chapter are complied with, all existing permits for the sale of beer within the corporate limits of the city at the date of the passage of the ordinance comprising this chapter shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment in which a permit is now held for the sale of beer, and the permit used only within the establishment or building purchased. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-219. Sanitation for the premises of the permit holder. The premises of the permit holder shall be defined as the lot or property under control of the permit holder, both inside the building and outside the building. The permit holder shall be responsible for the sanitation of the premises including refuse storage, both inside and outside the building, lavatory and general cleanliness of the grounds and structure. The city manager, the county health officer or any properly authorized person is hereby authorized to enter the premises at all reasonable hours for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the City of Mount Pleasant. (Ord. #2007-880, Jan. 2008, as replaced by Ord. #2016-996, Jan. 2017, and Ord. #2017-1011, Nov. 2017)

8-220. Persons under the age of twenty-one years, fraudulent evidence of age; purchase in behalf of a person under twenty-one years of age by third person, etc. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, attempt to purchase or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a person under twenty-one (21) years of age. It shall be unlawful for any person under twenty-one (21) years of age to present or offer to the holder of a permit, his agent or employee, any written evidence of his age is false, fraudulent of not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any person who acts in violation of any one (1) or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall upon conviction, be subject to a

penalty under the general penalty clause for this code; if seventeen (17) years of age, or less, he shall be taken before a juvenile judge for appropriate proceedings. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-221. Investigation of applicants, agents and/or employees. Applicants for, and holders of retail permits under this chapter and their agents or employees are subject to be investigated by any municipal, county or state authorities, including members of the beer board, and must submit such information and records as the beer board may require. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-222. Prohibited conduct or activities by beer permit holder. It shall be unlawful for any beer permit holder to:

(1) Employ any person in the distribution or sale of beer who, within the previous ten (10) years, has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance, or any crime involving moral turpitude.

(2) Employ any person under eighteen (18) years of age in the sale or dispensing of beer or intoxicating liquors at retail for consumption on the premises. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any person shall be upon the holder and operator of such place of business.

(3) Make or allow any sale of beer or intoxicating liquor, or make, cause or allow to be made any gift thereof, between the hours of 3 :00 A.M. and 8:00 A.M. during any night of the week except on Sunday between the hours of 3:00 A.M. and 12:00 noon on Sunday. Any beverage sold before 3:00 A.M. for consumption on the premises shall be consumed prior to 3:15 A.M. and any person consuming beer on the premises after such hour and until 8:00 A.M. Monday through Saturday and 12:00 noon on Sunday shall be guilty of a misdemeanor, however, with the exception of Sunday the sale of package beer or intoxicating liquors shall be allowed after 8:00 A.M. on any day of the week.

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

(5) Make or allow any sale of beer or intoxicating liquors, or make, cause or allow to be made any gift thereof to a person under twenty-one (21) years of age, or permit such sale by an employee or any person in any way connected with his place of business. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any customer shall be upon the owner or operator of such place of business and he shall be held strictly accountable for all acts of his employees.

(6) Allow any minor to loiter in his place of business. The burden of ascertaining the age of any person shall be upon the owner or operator of such place of business and he shall be held strictly accountable for any actions of his employees for the violation of this provision.

(7) Make or allow any sale of beer or intoxicating liquor, or make, cause or allow to be made any gift thereof, to any intoxicated person.

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

(9) Allow drunk or intoxicated persons to loiter on his premises.

(10) Fail to provide and maintain adequate separate sanitary toilet facilities for men and women in facilities selling beer or intoxicating liquors for consumption on the premises.

(11) Allow any sale or delivery of beer or intoxicating liquors for consumption on the premises outside the building occupied by the holder of the permit, except for all decks, patios, enclosed tents and other outdoor serving areas that have direct access to the building and that are contiguous to the exterior of the building in which the business is located and that are operated by the business. Further, a beer permit holder for the sale of package beer may not deliver said beer.

An additional exception exists for facilities whose primary business is serving food, provided such business is located in the central business district, as defined by the zoning ordinance. Such facilities covered by this exception may provide the outdoor sale or delivery of beer or intoxicating liquors for consumption on the premises so long as the location is, contiguous to the primary structure and barricaded to ensure that access may only be made through the host facility and not by any other means.

Such facilities covered by this exception may also occupy portions of the public right-of-way, namely sidewalks, so long as access requirements are met and a minimum right of way width of five feet (5') is continuously maintained for public travel on such sidewalks at all times.

(12) The owner or operator shall be held strictly accountable for any actions of his employees which violate any of the above provisions. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-223. Suspension and revocation of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board. Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements

of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-224. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars ($1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-225. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission

within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-226. City business license. Each applicant granted to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, secure from the city recorder of the City of Mount Pleasant, Tennessee, a city business license as provided in the Tennessee Code Annotated, and shall on any annual inspection provide evidence that the current business license has been issued. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-227. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a 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 each successive January 1 to the City of Mount Pleasant, 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. The city may utilize these tax funds for any public purpose (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-228. Violations. Except as provided in § 8-220, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-229. Employees liable for violations. Any employee of any permit holder who violates the provisions of this chapter or an provision of the state beer act while so employed by such permit holder shall be guilty of a misdemeanor which shall be punishable under the general penalty clause of this code. (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

8-230. Application fee for sale of beer. Each applicant for a beer permit shall be required to pay an application fee of two hundred fifty dollars ($250.00) to the city recorder upon the filing of an application. No portion of the fee shall be refunded to the applicant notwithstanding whether an application is approved of denied. There is also a privilege tax on the business of selling, distributing, storing, or manufacturing beer in Tennessee of one hundred dollars

($100.00). (as added by Ord. #2016-996, Jan. 2017, and replaced by Ord. #2017-1011, Nov. 2017)

CHAPTER 3

ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION

SECTION

8-301. Alcoholic beverages subject to regulation.
8-302. Privilege tax on retail sale of alcoholic beverages for on premises consumption.
8-303. Annual privilege tax to be paid to city recorder.
8-304. Annual privilege tax to be paid to city recorder.

8-301. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57, chapter 4, except and by rules and regulations promulgated there under, and as provided in this chapter.

8-302. Privilege tax on retail sale of alcoholic beverages for on premises consumption. Pursuant to the authority contained in Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption within the city. It is the intent of the board of commissioners that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in the city, the same as if said code sections were copied herein verbatim.

8-303. Annual privilege tax to be paid to city recorder. Any person exercising the privilege of selling alcoholic beverages for on premises consumption in the city shall remit annually to the city recorder the appropriate tax described in § 8-302. Such payments shall be remitted on or before January 1 of each year.

8-304. Hours of sale. No alcoholic beverage within the scope hereof shall be sold between the hours of 3:00 A.M. and 8:00 A.M. on Monday through Saturday, or between the hours of 3:00 A.M. and 12:00 Noon on Sunday.

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITATIONS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. SEXUALLY ORIENTED BUSINESSES.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales.
9-102. Pinball machines.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1984 Code, § 5-101)

9-102. Pinball machines. It shall be unlawful for any person who has in his possession a pinball machine, or any similar device known by any other name whatsoever, his employees, agents, servants, or other person for him, knowingly to permit any person under the age of eighteen (18) years to operate, play, or manipulate any such device, whether for amusement or otherwise. (1984 Code, § 5-102)

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[1]Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Junkyards: title 13.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.[1]

SECTION

9-201. Permit required.
9-202. Exemptions.
9-203. Application for permit.
9-204. Issuance or refusal of permit.
9-205. Appeal.
9-206. Bond.
9-207. Loud noises and speaking devices.
9-208. Use of streets.
9-209. Exhibition of permit.
9-210. Policemen to enforce.
9-211. Revocation or suspension of permit.
9-212. Reapplication.
9-213. Expiration and renewal of permit.
9-214. Yard sales.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or 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. (1984 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations, provided further, farmers selling produce within the City of Mount Pleasant shall likewise be exempt from the detailed permitting requirements set forth in § 9-203 except for registering as a vendor and payment of the applicable permit fee. (1984 Code, § 5-202, as amended by Ord. #2009-895, Aug. 2009)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

(1) Name and physical description of applicant.

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[1]Municipal code references
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 (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly 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; 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) An administrative fee of one hundred dollars ($100.00) per year for permitting under this chapter, which permit will be for the calendar year then in existence, January 1 through December 31, or ten dollars ($10.00) per day for any day upon which any peddler, canvasser, solicitor, transient merchant, vendor or farmer plies his trade shall be paid to the city at the time of submission of an application for a permit. (1984 Code, § 5-203, as amended by Ord. #2002-825, April 2002, Ord. #2007-872, Oct. 2007, and Ord. #2009-895, Aug. 2009)

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

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city 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 city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1984 Code, § 5-204)

9-205. **Appeal**. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of commissioners. Such appeal shall be taken by filing with the city recorder within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1984 Code, § 5-205)

9-206. **Bond**. Every permittee shall file with the city recorder a surety bond running to the city 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 city 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 city 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 city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1984 Code, § 5-206)

9-207. **Loud noises and speaking devices**. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city 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. (1984 Code, § 5-207)

9-208. **Use of streets**. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1984 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1984 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1984 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of commissioners 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, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

(2) Notice of the hearing for revocation of a permit shall be given by the city 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) When reasonably necessary in the public interest the city manager may suspend a permit pending the revocation hearing. (1984 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1984 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provision of this chapter for one (1) day shall expire at 12:00 P.M. on the date for which issued. Permits issued under the provisions of this chapter for a period of one (1) year shall expire on December 31 of the year in which issued. Applications for renewal shall be made in substantially the same form as an original application and shall include an administrative fee of ten dollars ($10.00) if renewed for a period of one (1) day and one hundred dollars ($100.00) if renewed for a period of one (1) year. Only so much of the application for renewal shall be completed as is necessary to reflect any conditions which have changed since the last application was submitted. (Ord. #2009-895, Aug. 2009)

9-214. Yard sales. There shall be no more than three (3) yard sales per year at any one individual residential property location within the city. The property owner, occupant, and/or lessor of any residential property location in which more than three (3) yard sales are conducted on such property in any given year shall receive a civil penalty of up to fifty dollars ($50.00) for each yard sale in excess of three (3) per year. A yard sale may last up to seventy-two (72) consecutive hours, including the time to set up, conduct and disassemble the yard sale, and still be considered as one yard sale. (Ord. #2002-825, April 2002)

CHAPTER 3

CHARITABLE SOLICITATIONS

SECTION

9-301. Definitions.
9-302. Charitable solicitation permits required; exceptions.
9-303. Application for charitable solicitations permit.
9-304. Form of application.
9-305. Investigation by city of solicitations.
9-306. Standards for city's action in granting or denying applications for charitable solicitation permits.
9-307. Fee for charitable solicitations permit.
9-308. Charitable solicitations permit--form of; granting of is not endorsement by city; time limit on.
9-309. Solicitation without permit prohibited.
9-310. Hearing after denial of application for a permit; exceptions; decisions.
9-311. Revocation of permits; hearing; decision.
9-312. Report to be available from permit holder.
9-313. Notice of suspension or revocation of permit.
9-314. Religious solicitations; registration and certificate required.
9-315. Investigations of affairs of person soliciting for religious purposes and persons exempt from permit and certificate requirements; publication of findings.
9-316. Use of fictitious name, fraudulent misrepresentation and misstatements prohibited.
9-317. Judicial review.
9-318. Location, methods of solicitation on public streets.
9-319. Solicitation by means of coin or currency boxes or receptacles prohibited.
9-320. Limitation on residential solicitations.
9-321. Penalties.

9-301. Definitions. Whenever used in this chapter unless a different meaning clearly appears in the context:

(1) "Charitable" means and includes the words patriotic, philanthropic, social, service, welfare, benevolent, educational, civic, humane, eleemosynary, or fraternal, either actual or purported.

(2) "Charitable organization" means a group which is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic, eleemosynary, or fraternal organization or any person who solicits or obtains contributions solicited from the public for charitable purposes.

(3) "Contribution" means and includes the words alms, food, clothing, money, subscriptions, property, or donations under the guise of loaning money

or property or any promise or grant of any money or property of any kind or value.

(4) "Board" shall mean the Mount Pleasant city commission, or any committee so designated to act upon charitable solicitations permits.

(5) "City manager" means the city manager or his designated appointee of the City of Mount Pleasant, Tennessee.

(6) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

(7) "Professional solicitor" means any person who, for financial or other consideration, solicits contributions for, or on behalf of, a charitable organization, whether such a solicitation is performed personally or through his agents, servants, or employees or through such agents, servants, or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such a person or a person who plans, conducts, manages, carries on or advises a charitable organization in connection with the solicitation of contributions. A salaried officer or an employee of a charitable organization maintaining a permanent establishment within the state shall not be deemed a professional solicitor. However, any salaried officer or employee of a charitable organization that engages in the solicitation of contributions for compensation in any manner for more than one charitable organization shall be deemed a professional solicitor. No attorney, investment counselor, or banker who advises any person to make a contribution to a charitable organization shall be deemed, as the result of such advice, to be a professional solicitor.

(8) "Promoter" means any person who promotes, manages, supervises, organizes, or attempts to promote, manage supervise, or organize campaign of solicitation.

(9) "Solicit" and "solicitation" mean the request directly or indirectly for money, credit, profit, financial assistance, or other thing of value upon the plea or representation that such money, credit, profit, financial assistance, other thing of value will be used for a charitable or religious purpose as those purposes are defined in this chapter. These words shall also mean and include the following methods of securing money, credit, profit, financial assistance, or other thing of value of the plea or representation that it will be used for a charitable or religious purpose as herein defined:

(a) Any oral or written request;

(b) The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement, or publication.

(c) Making of any announcement to the press, or to the radio, by telephone or telegraph concerning an appeal, assembly, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or

social gathering, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith;

(d) The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for charitable or religious purpose, where the name of a charitable or religious person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that at the whole or any part of the proceeds from any such sale will go to or will be donated to any charitable or religious purpose. A solicitation as defined herein shall be deemed completed when made whether or not the person making the same receives any contribution or makes any sale referred to in this section. (1984 Code, § 5-301)

9-302. Charitable solicitation permits required; exceptions. No person shall solicit contributions personally or by means of coin or currency receptacles for any charitable purpose within the City of Mount Pleasant without a permit from the city authorizing such solicitations. Provided, however, that the provisions of this section shall not apply to any established person organized and operating exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person if the solicitations by such established persons are conducted among the members thereof by other members or officers thereof, voluntarily without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person. (1984 Code, § 5-302)

9-303. Application for charitable solicitations permit. An application for a permit to solicit as provided in § 9-302 above shall be made to the city through forms provided by the City of Mount Pleasant. Such applications shall be sworn to and filed with the city at least forty-eight (48) hours prior to the time at which the permit applied for shall become effective; and not more than thirty (30) days; provided, however, that the city may for good cause shown allow the filing of application less than the forty-eight (48) hours prior to the effective date of the permit applied therefor. The application herein required shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

(1) The name, address or headquarters of the person applying for the permits;

(2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to be a true and correct copy of the original by the officer having charge of the applicant's records;

(3) The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;

(4) A specific statement, supported by reasons and, if available, figures, showing the need for contributions to be solicited;

(5) The names and addresses of the person or persons who have authority to distribute funds;

(6) The names and addresses of the person or persons who will be in direct charge of conducting the solicitation and the names of all professional solicitors connected or to be connected with the proposed solicitation;

(7) An outline of the method or methods to be used in conducting the solicitation;

(8) At the time when such solicitations shall be made, giving the preferred dates for the beginning and the ending of such solicitation;

(9) The estimated cost of the solicitation;

(10) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons.

(11) A financial statement for the last preceding fiscal year of any funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and the final distribution, thereof to be prepared by a certified public accountant, a licensed public accountant and filed in the recorder's office;

(12) A full statement of the character and extent of the charitable work being done by the applicant within the area of the city;

(13) A statement that the actual cost of the solicitation will not exceed twenty-five percent (25%) of the total amount to be raised; or in the event the cost will exceed twenty-five percent (25%), a statement as to the reasons,

(14) A statement to the effect that if a permit is granted it will not be used or represented in any way as an endorsement by the City of Mount Pleasant, or by any department or officer thereof;

(15) Such other information as may be reasonably required by the city to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare.

While, any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the city in writing thereof within seventy-two (72) hours after such change. (1984 Code, § 5-303)

9-304. Form of application. The City of Mount Pleasant shall provide each applicant a form which complies substantially with the following form: Exhibit 4. (1984 Code, § 5-304)

9-305. Investigation by city of solicitations. The city shall examine all applications filed under § 9-303 of this chapter and shall make, or cause to be made, such further investigation of the application and the applicant as the city manager or city commission shall deem necessary. Upon request by the city, the applicant shall make available for inspection all the applicant's books, records and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired. The city manager or persons designated by him so to do may conduct any investigations into any applicant for a solicitations permit or as to any holder of a solicitations permit when it appears to said city or city manager or in response to complaints made known to the city that any of the provisions of this chapter are being violated or the applicant or holder of such a permit has engaged or is engaging in unscrupulous, dishonest, fraudulent or misleading practices in connection with solicitations of contributions. (1984 Code, § 5-305)

9-306. Standards for city's action in granting or denying applications for charitable solicitation permits. The city shall issue the permit provided for in § 9-308 hereof whenever it shall find the following facts to exist:

(1) That all of the statements made in the application are true;

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

(3) That the control and supervision of the solicitation will be under responsible and reliable persons;

(4) That the applicant has not engaged in any fraudulent transaction or enterprise;

(5) That the solicitation will not be a fraud on the public;

(6) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application and will not be conducted primarily for private profit;

(7) That the cost of raising the funds will be reasonable, and that all supplemental costs will be kept at a minimum. In no case shall a permit be granted unless a minimum of seventy-five percent (75%) of all monies collected goes directly to the charitable purpose for which the campaign is intended; provided, however, that in the case of special event benefits where performers are used, the city commission, in its discretion, may grant a permit where fifty percent (50%) of all monies collected go to the charitable purpose for which the campaign is intended; provided the ratios of expenses to gross revenues herein

set forth shall be waived by the board where special facts and circumstances are presented showing that a higher cost is not unreasonable.

(8) Nothing herein shall prohibit the solicitation by telephone for or on behalf of the applicant provided that the applicant states in his application the time during which solicitation will be made by telephone and the number of people being utilized in telephone solicitation and the amount of money paid the telephone solicitors. The city shall file in its office for public inspection, and shall serve upon the applicant by registered mail a written statement of the city commission's findings of fact and its decision upon each application.

(9) No person shall be granted a solicitations permit which has not qualified as a non-profit tax-exempt person or organization under section 501(c)(3) of the Internal Revenue Code and/or similar subsequently enacted Federal Internal Revenue law, or fails or refuses to file any report required by this chapter. (1984 Code, § 5-306)

9-307. Fee for charitable solicitations permit. Before a permit is issued there shall be paid to the city the sum of five dollars ($5.00) as a permit fee. The fee will cover all activities listed in the application provided the activities listed can be completed within one year of the application. (1984 Code, § 5-307)

9-308. Charitable solicitations permit--form of; granting of is not endorsement by city; time limit on. Permits issued under this chapter shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the City of Mount Pleasant or by any of its departments, officers or employees of the purpose or of the person conducting the solicitation. All permits shall be signed by the city manager or the chief of police or by their duly authorized officer or agent. Permits may be granted for a period of ninety (90) days or for such other or additional periods as the city manager determines to be proper, but in no event shall the period for which the organization is authorized to solicit exceed one (1) year.

The form of the permit for certificate shall be as follows:

SOLICITATION PERMIT CITY OF MOUNT PLEASANT

Permit No. _____

(Non-transferrable) Void after _____
date

Date _____

_____ (name) of _____ (address) is hereby authorized to solicit under the provisions of Mount Pleasant Municipal Code, Title 9, Chapter 3, adopted on the ___ day of _____ , 20 __, from _____ , 20 __, to _____ , 20 __.

THE ISSUANCE OF THIS PERMIT DOES NOT CONSTITUTE AN ENDORSEMENT BY THE CITY OF MOUNT PLEASANT OR BY ANY OF ITS DEPARTMENTS, OFFICERS OR EMPLOYEES OF THE PURPOSE OR PERSON CONDUCTING THIS SOLICITATION.

Any permit issued hereunder shall be non-transferable and said fact of non-transferability shall be clearly indicated on the permit. Each permit issued under this chapter shall be returned to the city manager within seventy-two (72) hours of the date of expiration together with all facsimile copies thereof. (1984 Code, § 5-308)

9-309. Solicitation without permit prohibited. No agent or solicitor shall solicit contributions for any charitable purpose or any person in the City of Mount Pleasant unless such person has been granted a permit under the provisions of this chapter. It is understood that the individual agents or solicitors are not required to have separate permits, but that the only permit required is the original permit issued to the person for whom the contributions are being solicited. Provided, however, that each agent or solicitor shall have in his possession a facsimile of the original permit issued to the organization for which he solicits. (1984 Code, § 5-309)

9-310. Hearing after denial of application for a permit; exceptions; decisions. Within five (5) days after receiving notification by registered mail that his application for a permit to solicit under this chapter has been denied, any applicant may file a written request for a public hearing on the application before the city commission, together with written exceptions to the findings of fact upon which the city manager, based its denial of the application. Upon the filing of such a request, the city commission shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within ten (10) days after the request is filed. At the hearing the applicant may present evidence in support of his application and exceptions. Any interested person may, in the discretion of the city commission, be allowed to participate in the hearing and present evidence in opposition to the application and exceptions. Within ten (10) days after the conclusions of the hearing the city commission shall render a written report either granting or denying the application for a permit. In this report the city commission shall state the facts upon which their decision is based, and their ruling upon any exceptions filed

to its original findings of fact upon the application. This report shall be filed in the recorder's office for public inspection and a copy shall be served by registered mail upon the applicant and all parties to the hearing. (1984 Code, § 5-310)

9-311. Revocation of permits; hearing; decision. Whenever it shall be shown, or whenever the city commission has knowledge, that any person to whom a permit has been issued under this chapter has violated any of the provisions of this chapter, or that any promoter, agent, professional solicitor, or solicitor of a permit holder has misrepresented the purpose of the solicitation, the city manager shall immediately suspend the permit and give the permit holder written notice by registered, special delivery, mail of a hearing to be held within two (2) days of such suspension to determine whether nor not the permit should be revoked. This notice must contain a statement of the facts upon which the city manager has acted in suspending the permit. At the hearing the permit holder, any other interested person, may have the right to present evidence as to the facts upon which the city manager based the suspension of the permit, and any other facts which may aid the city commission in determining whether this chapter has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the city commission finds that this chapter has been violated, where the purpose of the solicitation has been misrepresented, it shall within two (2) days after the hearing file in the recorder's office for public inspection and serve upon the permit holder and all interested persons who participated in the hearing, a written statement of the facts from which it based such finding and immediately revoke the permit. If, after such hearing the city commission finds that this chapter has not been violated and the purpose of the solicitation has not been misrepresented, it shall within two (2) days after the hearing, give to the permit holder a written statement cancelling the suspension of the permit and stating that no violation or misrepresentation was found to have been committed. (1984 Code, § 5-311)

9-312. Report to be available from permit holder. It shall be the duty of all persons issued permits under this chapter to furnish the City of Mount Pleasant upon request within ninety (90) days after the close of the organization's fiscal year, a detailed report and financial statement showing the amount raised by the solicitation, the amount expended in collecting such funds, including a detailed report of wages, fees, commissions, and expenses paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation. This report shall be available for public inspection in the recorder's office at any reasonable time. (1984 Code, § 5-312)

9-313. Notice of suspension or revocation of permit. The chief of police shall be notified forthwith by the board of suspension or revocation of any permit issued under this chapter. (1984 Code, § 5-313)

9-314. Religious solicitations; registration and certificate required. No person shall solicit contributions for any religious purpose within the City of Mount Pleasant without a permit from the city. Application for a permit shall be made to the city upon forms provided by the City of Mount Pleasant. Such application shall be sworn to, or affirmed, and shall contain information required in § 9-303, except such application shall not contain the statement required in subsection (3) thereof, or, in lieu thereof, a statement of the reason or reasons why such information cannot be furnished.

If while any application is pending, or during the term of any permit granted thereon, there is any change in facts, policy, or method that will alter the information given in the application, the applicant shall notify the city in writing thereof within seventy-two (72) hours of such a change.

Upon receipt of such application, the city shall forthwith issue the applicant a certificate of registration. The certificate (or permit) shall remain in full force and effect for a period of six (6) months after the issuance thereof, and shall be renewed upon the expiration of this period upon the filing of a new application as provided for in this section. Such certificates are non-transferable, and the original and all facsimile thereof shall be returned to the city within one (1) week after the date of expiration of the solicitation. Certificates or permits of registration shall bear the name and address of the person by whom the solicitation is to be made, the number of the certificate, the date issued, and a statement that the certificate does not constitute an endorsement by the City of Mount Pleasant or by any of its departments, or officers, of the purpose or of the person conducting the solicitation. Provided, however, that the provisions of this section shall not apply to any established person organized and operating exclusively for religious purposes and not operating for pecuniary profit of any person if the solicitations by such an established person are conducted among members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at regular assemblies or services of any such established person. (1984 Code, § 5-314)

9-315. Investigations of affairs of person soliciting for religious purposes and persons exempt from permit and certificate requirements; publication of findings. The city commission is authorized to investigate the affairs of any person soliciting for religious purposes under a certificate issued under § 9-314, and the affairs of any person exempted from the requirement of a permit under § 9-314, and to make public their findings in order that the public may be fully informed as to the affairs of any said person. Said persons shall make available to the city commission, the city manager, or to any representative designated by the city commission in writing for such specific purpose, all books, records, or other information reasonably necessary to enable the board to fully and fairly inform the public of all facts necessary to

a full understanding by the public of the work and methods of operation of such persons; provided, that five (5) days before the public release of any findings under this section, the city commission must first serve a copy of its findings upon the person investigated and at the time of release of its findings, it must release a copy of any written statement said person may file with the board in explanation, denial, or confirmation of said findings. (1984 Code, § 5-315)

9-316. Use of fictitious name, fraudulent misrepresentation and misstatements prohibited. No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception, or fraud in connection with any solicitation of any contribution for any purpose within the City of Mount Pleasant, or in any application or report filed under this chapter. (1984 Code, § 5-316)

9-317. Judicial review. The action of the city commission in connection with the issuance of a permit of any kind, including the revocation of a permit may be reviewed by the statutory writ of certiorari with the trial de novo as a substitute for an appeal, said writ of certiorari to be addressed to the Circuit or Chancery Court of Maury County. (1984 Code, § 5-317)

9-318. Location, methods of solicitation on public streets. The following procedures shall be strictly adhered to in permitting solicitations on public streets:

(1) Road blocks for solicitations shall be permitted only on Saturdays and/or Sundays and shall not be allowed before daylight or after dark.

(2) Only three (3) intersections shall be used for such solicitations. They are as follows:

(a) Main street at Hay Long Avenue.

(b) North Main Street at First Avenue.

(c) First Avenue at Greenwood.

(3) All parties involved in soliciting contributions shall wear white coveralls, coat or jacket, or a flourescent vest.

(4) No person or organization shall solicit contributions on public streets as provided in this section without first obtaining a permit from the city authorizing such solicitations, and from time to time the city commission shall promulgate such rules and regulations as it deems advisable for the protection of the solicitors and the general public. A copy of such rules and regulations will be given to the representatives of the soliciting organizations at the time the permit is granted and failure to comply with them will subject the individuals and/or the organization to the loss of their permit.

(5) The city manager will notify the chief of police or his designee of the issuance of any permit under this section. (1984 Code, § 5-318)

9-319. Solicitation by means of coin or currency boxes or receptacles prohibited. No person shall solicit by means of coin or currency boxes or receptacles, in the course of a professional solicitation campaign within the City of Mount Pleasant except:

(1) When each such box or receptacle bears the persons permit number and is serially numbered and the city manager advised of the number and location of each; and

(2) When each such box or receptacle is the responsibility of a bona fide member, agent or solicitor of the soliciting person; and

(3) When such responsible person is required to pick up each box or receptacle at the end of the solicitation period; and

(4) When the use of such boxes and receptacles in the solicitation is expressly authorized by the city commission; and

(5) When such responsible person has no more than a reasonable number of such boxes or receptacles for which he must account. (1984 Code, § 5-319)

9-320. Limitations on residential solicitations. All door-to-door, telephone, or other residential zone solicitations as may be allowed, and as further allowed or specified in this chapter, shall adhere to the following:

(1) Such solicitations may be conducted only between the hours of 8:00 A.M. and 8:00 P.M.

(2) Such solicitations may only be conducted on Monday through Saturday. Sunday solicitations within residential zones are specifically prohibited, with the exceptions of when special application permits, approved by the city commission, have been obtained.

(3) Nothing herein shall apply to any established person or organized group in operating exclusively for religious or charitable purposes and not operated for the profit of any person if solicitations by such established person conducted among the members thereof, by other members or officers thereof, voluntarily without written information for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of services of any such established person. (1984 Code, § 5-320)

9-321. Penalties. Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate under this chapter containing false or fraudulent misstatements, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00). Each day a solicitation occurs in violation of this chapter shall be deemed a separate offense. (1984 Code, § 5-321)

CHAPTER 4

POOL ROOMS[1]

SECTION

9-401. Hours of operation regulated.
9-402. Minors to be kept out; exception.
9-403. Gambling etc., not to be allowed.

9-401. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time between the hours of 3:00 A.M. and 12:01 P.M. Sundays or between the hours of 3:00 A.M. and 6:00 A.M. on other days. (Ord. #92-738, April 1992)

9-402. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, to permit any person under the age of eighteen (18) years to enter and loiter about such premises or to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls. This section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1984 Code, § 5-502)

9-403. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. (1996 Code, § 5-503)

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

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service shall be furnished to the City of Mount Pleasant and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Mount Pleasant and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.[1]

[1]For complete details relating to the cable television franchise agreement see the franchise ordinances of record in the office of the city recorder.

CHAPTER 6

SEXUALLY ORIENTED BUSINESSES

SECTION

9-601. Purpose and findings.
9-602. Definitions.
9-603. Classification.
9-604. License required.
9-605. Issuance of license.
9-606. Fees.
9-607. Inspection.
9-608. Expiration of license.
9-609. Suspension.
9-610. Revocation.
9-611. Judicial review.
9-612. No transfer of license.
9-613. Location restrictions.
9-614. Non-conforming uses.
9-615. Additional regulations for adult motels.
9-616. Additional regulations for escort agencies.
9-617. Additional regulations for nude model studios.
9-618. Additional regulations concerning public nudity.
9-619. Regulations pertaining to exhibition of sexually explicit films, videos and live performances.
9-620. Exterior portions of sexually oriented businesses.
9-621. Signage.
9-622. Sale, use, or consumption of alcoholic beverages prohibited.
9-623. Persons younger than eighteen prohibited from entry; attendant required.
9-624. Massages or baths administered by person of opposite sex.
9-625. Hours of operation.
9-626. Exemptions.
9-627. Notices.
9-628. Injunction.

9-601. Purpose and findings. 1. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent

nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials.

2. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the city commission, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 426 U.S. 50 (1976); and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); Arcara v. Cloud Books, Inc., 478 U.S. 697, (1986); California v. LaRue, 409 U.S. 109 (1972); Iacobucci v. City of Newport, Ky, 479 U.S. 92 (1986); United States v. O'Brien, 391 U.S. 367 (1968); DLS, Inc.v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Kev, Inc. v Kitsap County, 793 F 2nd 1053 (9th Cir. 1986); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); and South Florida Free Beaches, Inc. v. City of Miami, 734 F.2d 608 (11th Cir. 1984); as well as studies conducted in other cities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California, Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the city commission finds that:

a. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.

b. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. See, e.g., Studies of the cities of Phoenix, Arizona; Indianapolis, Indiana; and Austin, Texas.

c. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. See e.g. California v. LaRue, 409 U.S. 109, 111 (1972); See also Final Report of the Attorney General's Commission on Pornography (1986) at 377.

d. Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions. See, e.g.,

Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

e. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses, for the purpose of engaging in sex within the premises of such sexually oriented business. See e.g., Arcara v. Cloud Books, Inc., 478 U.S. 697, 698 (1986); see also Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

f. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. See e.g. Study of Fort Meyers, Florida.

g. For the period of 1985 through 1995, the total number of reported cases of AIDS in the United States caused by immunodeficiency virus (HIV) was 523,056. See e.g., Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

h. As of February 28, 1993, there have been 2,521 reported cases of AIDS in the State of Tennessee.

i. Since 1981 and to the present, there has been an increasing cumulative number of persons testing positive for HIV antibody test in Tennessee.

j. The total number of cases of early (less than one year) syphilis in the United States reported during the ten year period 1985-1995 was 367,796. See e.g. Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

k. The number of cases of gonorrhea in the United States reported annually remains at a high level, with a total of 1,250,581 cases reported during the period 1993-1995. See e.g., Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

l. The surgeon general of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, exposure to infected blood and blood components, and from an infected mother to her newborn.

m. According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. See, e.g., Findings of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

n. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those

activities and maintain those facilities. See, e.g., Final Report of the Attorney General's Commission on Pornography (1986) at 377.

o. Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of sexually oriented businesses where persons view "adult" oriented films. See, e.g., Final Report of the Attorney General's Commission on Pornography (1986) at 377.

p. Nude and semi-nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. See, e.g., Barnes v. Glen Theatre, 501 U.S. 560, 583 (1991).

q. Nude and semi-nude dancing in adult establishments increases the likelihood of drug-dealing and drug use. See, e.g. Kev, Inc. v. Kitsap County, 793 F.2d 1053, 1056 (9th Cir. 1986).

r. The findings noted in subsections (a) through (q) raise substantial governmental concerns.

s. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial government concerns.

t. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore non-existent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the city. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

u. Removal of doors on adult booths and requiring sufficient lighting on the premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments.

v. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spreading of sexually transmitted diseases and criminal activity.

w. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct this chapter is designed to prevent or who are likely to be witnesses to such activity.

x. The fact than an applicant for a sexually oriented business license has been convicted of a sex-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention to this chapter.

y. The barring of such individuals from operation or employment in sexually oriented businesses for a period of ten (10) years for a previous felony conviction serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

z. The general welfare, health, morals, and safety of the citizens of this city will be promoted by the enactment of this chapter. (Ord. #98-796, Aug. 1998)

9-602. <u>Definitions</u>. 1. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

2. "Adult bookstore" or "adult video store" means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or

b. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offer for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "adult bookstore" or "adult video store." Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

3. "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

a. Persons who appear in a state of nudity or semi-nudity; or

b. Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

d. Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

4. "Adult motel" means a hotel, motel or similar commercial establishment that:

a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or

b. Offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or

c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.

5. "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

7. "Director" means the city manager and such employee(s) of the city as he may designate to perform the duties of the director under this chapter.

8. "Employee" means a person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

9. "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

10. "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

11. "Establishment" means and includes any of the following:

a. The opening or commencement of any sexually oriented business as a new business;

b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

c. The additions of any sexually oriented business to any other existing sexually oriented business; or

d. The relocation of any sexually oriented business.

12. "Licensed day-care center" means a facility licensed by the State of Tennessee, whether situated within the city or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

13. "Licensee" means a person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

14. "Nude model studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

15. "Nudity" or a "state of nudity" means the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the nipple; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

16. "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

17. "Premises" means the real property which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to § 9-604 of this chapter.

18. "Semi-nude" or "semi-nudity" means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

19. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

20. "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

21. "Specified anatomical areas" means:

a. The human male genitals in a discernibly turgid state, even if fully and opaquely covered;

b. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

22. "Specified criminal activity" means any of the following offenses:

a. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries.

b. For which:

i. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

ii. Less than ten (10) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense;

iii. Less than ten (10) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period;

c. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

23. "Specified sexual activities" means and includes any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

c. Masturbation, actual or simulated; or

d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

24. "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date of the passage of the ordinance comprising this chapter.

25. "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

a. The sale, lease, or sublease of the business;

b. The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

c. The establishment of trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. (Ord. #98-796, Aug. 1998)

9-603. Classification. Sexually oriented businesses are classified as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers. (Ord. #98-796, Aug. 1998)

9-604. License required. 1. It shall be unlawful:

a. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the director pursuant to this chapter.

b. For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the sexually oriented business, if such employee is not in possession of a valid

sexually oriented business employee license issued to such employee by the director pursuant to this chapter.

c. For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person by the director pursuant to this chapter.

d. It shall be a defense to subsections (b) and (c) of this section if the employment is of limited duration and for the sole purpose of repair and/or maintenance of machinery, equipment, or the premises.

Violation of any provision within this subsection shall constitute a misdemeanor.

2. An application for a sexually oriented business license must be made on a form provided by the city. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Prior to issuance of a license, the premises must be inspected by the health department, fire department, building department, and zoning department.

3. An application for a sexually oriented business employee license must be made on a form provided by the city.

4. All applicants for a license must be qualified according to the provisions of this chapter. The application may request, and the applicant shall provide, such information (including fingerprints) as to enable the city to determine whether the applicant meets the qualifications established under this chapter. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

5. If a person who wishes to own/operate a sexually oriented business is an individual, he must sign the application for a business license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a business license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a business license as applicant.

6. Applications for a business license, whether original or renewal, must be made to the director by the intended operator of the enterprise. Applications must be submitted to the office of the director or the director's designee during regular working hours. Application forms shall be supplied by the director. The following information shall be provided on the application form:

a. The name, street address (and mailing address if different) of the applicant(s);

b. A recent photograph of the applicant(s);

c. The applicant's driver's license number, social security number, and/or his/her state or federally issued tax identification number;

d. The name under which the establishment is to be operated and a general description of the services to be provided;

i. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state:

(1) The sexually oriented business's fictitious name; and

(2) Submit the required registration documents;

e. Whether the applicant, or a person residing with the applicant, has been convicted, or is awaiting trial or pending charges, of a "specified criminal activity" as defined in § 9-802, subsection (22), and, if so, the "specified criminal activity" involved, the date, place, and jurisdiction of each;

f. Whether the applicant, or a person residing with the applicant, has had a previous license under this chapter or other similar sexually oriented business ordinance from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;

g. Whether the applicant or a person residing with the applicant holds any other licenses under this chapter or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;

h. The single classification of license, as found in § 9-603, for which the applicant is filing;

i. The telephone number of the applicant(s) and/or establishment;

j. The address, and legal description of the tract of land on which the establishment is to be located;

k. If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought;

l. If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the business license). If the expected startup date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same;

m. If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in § 9-609 hereunder.

7. Each application for a business license shall be accompanied by the following:

a. Payment of the application fee in full;

b. If the establishment is a State of Tennessee corporation, a certified copy of the articles of incorporation, together with all amendments thereto;

c. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;

d. If the establishment is a limited partnership formed under the laws of the State of Tennessee, a certified copy of the certificate of limited partnership, together with all amendments thereto;

e. If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;

f. Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;

g. If the persons identified as the fee owner(s) of the tract of land in item (f) are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment;

h. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within one thousand (1,000) feet of the property to be certified; the property lines of any established religious institution/synagogue, school, public park or recreation area, or family-oriented entertainment business within fifteen hundred (1,500) feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted;

i. Any of items (b) through (h) above shall not be required for a renewal application if the applicant states that the documents previously furnished the director with the original application or previous renewals thereof remain correct and current.

8. Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be made to the director by the person to whom the employee license shall issue. Each application for an employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the director. Applications must be submitted to the office of the director or the director's designee during regular working hours. Each applicant shall be required to give the following information on the application form:

a. The applicant's given name, and any other names by which the applicant is or has been known, including "stage" names and/or aliases;

b. Age, and date and place of birth;

c. Height, weight, hair color, and eye color;

d. Present residence address and telephone number;

e. Present business address and telephone number;

f. Date, issuing state, and number of photo driver license, or other state issued identification card information;

g. Social Security Number; and

h. Proof that the individual is at least eighteen (18) years old.

9. Attached to the application form for a license shall be the following:

a. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by a local police department. Any fees for the photographs and fingerprints shall be paid by the applicant.

b. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other city, county, state, or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or

suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any other order of denial, revocation, or suspension shall be attached to the application.

c. A statement whether the applicant has been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined in § 9-602(22) and, if so, the "specified criminal activity" involved, the date, place and jurisdiction of each.

10. Every application for a license shall contain a statement under oath that:

a. The applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct; and

b. The applicant has read the provisions of this chapter.

11. A separate application and business license shall be required for each sexually oriented business classification as set forth in § 9-603.

12. The fact that a person possesses other types of state or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business or employee license. (Ord. #98-796, Aug. 1998)

9-605. <u>Issuance of license</u>. 1. Upon the filing of an application for a sexually oriented business employee license, the director shall issue a temporary license to said applicant. The application shall then be referred to the appropriate city departments for investigation to be made on the information contained in the application. The application process shall be completed within thirty (3) days from the date of the completed application. After the investigation, the director shall issue an employee license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

a. The applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

b. The applicant is under the age of eighteen (18) years;

c. The applicant has been convicted of a "specified criminal activity" as defined in § 9-602(22) of this chapter;

d. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule, or regulation, or prohibited by a particular provision of this chapter; or

e. The applicant has had a sexually oriented business employee license revoked by the city within two (2) years of the date of the current application.

If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in subsection (9) of this section.

2. A license issued pursuant to subsection (1) of this section, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The employee shall keep the license on his or her person at all times while engaged in employment or performing services on the sexually oriented business premises so that said license may be available for inspection upon lawful request.

3. A license issued pursuant to subsection (1) of this section shall be subject to annual renewal upon the written application of the applicant and a finding by the director that the applicant has not been convicted of any "specified criminal activity" as defined in this chapter, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in § 9-606.

4. If application is made for a sexually oriented business license, the director shall approve or deny issuance of the license within forty-five (45) days of receipt of the completed application. The director shall issue a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

a. An applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

b. An applicant is under the age of eighteen (18) years;

c. An applicant or a person with whom the applicant is residing has been denied a license by the city to operate a sexually oriented business within the preceding twelve (12) months, or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;

d. An applicant or a person with whom the applicant is residing is overdue in payment to the city in taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business;

e. An applicant or a person with whom the applicant is residing has been convicted of a "specified criminal activity" as defined in § 9-602(22);

f. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building department as being in compliance with applicable laws and ordinances;

g. The license fee required under this chapter has not been paid;

h. An applicant of the proposed establishment is in violation of or is not in compliance with one or more of the provisions of this chapter.

5. A license issued pursuant to subsection (4) of this section, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the § 9-603 classification for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

6. The health department, fire department, building department and zoning department shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the completed application by the director. The certification shall be promptly presented to the director.

7. A sexually oriented business license shall issue for only one classification, as set forth in § 9-603.

8. In the event that the director determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within forty-five (45) days of the receipt of the completed application by the director, provided that the applicant may request, in writing at any time before the notice is issued, that such period be extended for an additional period of not more than ten (10) days in order to make modifications necessary to comply with this chapter.

9. An applicant may appeal the decision of the director regarding a denial to the city commission by filing a written notice of appeal with the city secretary within fifteen (15) days after service of notice upon the applicant of the director's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The director may, within fifteen (15) days of service upon him of the applicant's memorandum, submit a memorandum in response to the memorandum filed by the applicant on appeal to the city commission. After reviewing such memoranda, as well as the director's written decision, if any, and exhibits submitted to the director, the city commission shall vote either to uphold or overrule the director's decision. Such vote shall be taken within thirty (30) calendar days after the date on which the city secretary receives the notice of appeal. However, all parties shall be required to comply with the director's decision during the pendency of the appeal. Judicial review of a denial by the director and city commission may be made pursuant to § 9-611 of this chapter.

10. A license issued pursuant to subsection (4) of this section shall be subject to annual renewal upon the written application of the applicant and a finding by the director that the applicant has not been convicted of any "specified criminal activity" as defined in this chapter, or committed any act

during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in § 9-606. (Ord. #98-796, Aug. 1998)

9-606. Fees. The annual fee for a sexually oriented business license, whether new or renewal, is five hundred dollars ($500.00). The annual fee for a sexually oriented business employee license, whether new or renewal, is fifty dollars ($50.00). These fees are to be used to pay for the cost of the administration and enforcement of this chapter. (Ord. #98-796, Aug. 1998)

9-607. Inspection. 1. An applicant or licensee shall permit representatives of the police department, health department, fire department, building department, or other city or state departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is open for business.

2. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he/she refuses to promptly permit such lawful inspection of the premises. (Ord. #98-796, Aug. 1998)

9-608. Expiration of license. 1. Each license shall expire one year rom the date of issuance and may be renewed only by making application as provided in § 9-604. Application for renewal shall be made at least thirty (30) days before but not more than forty-five (45) days before the expiration date.

2. When the director denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. (Ord. #98-796, Aug. 1998)

9-609. Suspension. The director shall suspend a license for a period not to exceed thirty (30) days if he determines that licensee or an employee of licensee has:

1. Violated or is not in compliance with any section of this chapter;

2. Operated or performed services in a sexually oriented business while intoxicated by the use of alcoholic beverages or controlled substances;

3. Refused to allow prompt inspection of the sexually oriented business premises as authorized by this chapter;

4. With knowledge, permitted gambling by any person on the sexually oriented business premises. (Ord. #98-796, Aug. 1998)

9-610. Revocation. 1. The director shall revoke a license if a cause of suspension in § 9-609 occurs and the license has been suspended within the preceding twelve (12) months.

2. The director shall revoke a license if he determines that:

a. A licensee gave false or misleading information in the material submitted during the application process;

b. A licensee, or a person with whom the licensee is residing, was convicted of a "specified criminal activity" on a charge that was pending prior to the issuance of the license;

c. A licensee has, with knowledge, permitted the possession, use, or sale of controlled substances on the premises;

d. A licensee has, with knowledge, permitted the sale, use, or consumption of alcoholic beverages on the premises;

e. A licensee has, with knowledge, permitted prostitution on the premises;

f. A licensee has, with knowledge, operated the sexually oriented business during a period of time when the licensee's license was suspended;

g. A licensee has, with knowledge, permitted any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises;

h. A licensee is delinquent in payment to the city or state for any taxes or fees;

i. A licensee has, with knowledge, permitted a person under eighteen (18) years of age to enter the establishment; or

j. A licensee has attempted to sell his business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business to a non-licensee.

3. When the director revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented license for one (1) year from the date revocation became effective. (Ord. #98-796, Aug. 1998)

9-611. Judicial review. After denial of an initial or renewal application by the director and city commission, or suspension or revocation of a license by the director, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court. (Ord. #98-796, Aug. 1998)

9-612. No transfer of license. A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application. (Ord. #98-796, Aug. 1998)

9-613. Location restrictions. Sexually oriented businesses shall be permitted in any commercial district provided that:

1. The sexually oriented business may not be operated within:

a. Fifteen hundred (1,500) feet of a church, synagogue or regular place of religious worship;

b. Fifteen hundred (1,500) feet of a public or private elementary or secondary school;

c. Fifteen hundred (1,500) feet of a boundary of any residential district or residential lot;

d. Fifteen hundred (1,500) feet of a public park;

e. Fifteen hundred (1,500) feet of a licensed day-care center;

f. Fifteen hundred (1,500) feet of an entertainment business that is oriented primarily towards children or family entertainment; or

g. One thousand (1,000) feet of another sexually oriented business.

2. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business classified pursuant to § 9-603.

3. For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center, or child or family entertainment business.

4. For the purposes of subsection (3) of this section, the distance between any two (2) sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located. (Ord. #98-796, Aug. 1998)

9-614. <u>Non-conforming uses</u>. 1. Any business lawfully operating on the effective date of the ordinance comprising this chapter that is in violation of the locational or structural configuration requirements of this chapter shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.

2. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church,

synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, residential district, or child or family entertainment business within one thousand five hundred (1,500) feet of the sexually oriented business. This provision applies only to the renewal of a valid business license, and does not apply when an application of a business license is submitted after a business license has expired or has been revoked. (Ord. #98-796, Aug. 1998)

9-615. Additional regulations for adult motels. 1. Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this chapter.

2. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise that does not have a sexually oriented business license, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

3. For purposes of subsection (2) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

4. Violation of subsection (2) of this section shall constitute a misdemeanor. (Ord. #98-796, Aug. 1998)

9-616. Additional regulations for escort agencies. 1. An escort agency shall not employ any person under the age of eighteen (18) years.

2. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.

3. Violation of this section shall constitute a misdemeanor. (Ord. #98-796, Aug. 1998)

9-617. Additional regulations for nude model studios. 1. A nude model studio shall not employ any person under the age of eighteen (18) years.

2. A person under the age of eighteen (18) years commits a misdemeanor if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to the public view or visible by any other person.

3. A person commits a misdemeanor if the person appears in a state of nudity, or with knowledge, allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public. (Ord. #98-796, Aug. 1998)

9-618. Additional regulations concerning public nudity. 1. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a state of nudity in a sexually oriented business, or depicts specified sexual activities in a sexually oriented business.

2. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a semi-nude condition in a sexually oriented business, unless the person is an employee who, while semi-nude, is at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.

3. It shall be misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in the sexually oriented business.

4. It shall be a misdemeanor for an employee, while semi-nude, to touch a patron or the clothing of a patron, or for a patron to touch a semi-nude employee or the clothing of a semi-nude employee. (Ord. #98-796, Aug. 1998)

9-619. Regulations pertaining to exhibition of sexually explicit films, videos and live performances. 1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, other video reproduction, or live performance that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

a. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The director may waive the following diagram for renewal applications if the applicant adopts a diagram that

was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

b. The application shall be sworn to be true and correct by the applicant.

c. No alteration in the configuration or locations of a manager's station may be made without the prior approval of the director or his designee.

d. It is the duty of the owners and operators of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

f. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (e) of this section remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted, as designated in the application filed pursuant to subsection (1) of this section.

g. No viewing room may be occupied by more than one person at a time.

h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candle as measured at the floor level.

i. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

j. No licensee shall allow an opening of any kind to exist between viewing rooms or booths.

k. No person shall make any attempt to make an opening of any kind between the viewing booths or rooms.

l. The operator of the sexually oriented business shall, during each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

m. The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

n. The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.

2. A person having a duty under subsection (a) through (n) of this section commits a misdemeanor if he/she, with knowledge, fails to fulfill that duty. (Ord. #98-796, Aug. 1998)

9-620. Exterior portions of sexually oriented businesses. 1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this chapter.

3. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

a. The establishment is a part of a commercial multi-use center; and

b. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

4. Nothing in this section shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

5. A violation of any provisions of this section shall constitute a misdemeanor. (Ord. #98-796, Aug. 1998)

9-621. Signage. 1. Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign

for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.

2. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

a. Not contain any flashing lights;

b. Be a flat plane, rectangular in shape;

c. Not exceed seventy-five (75) square feet in area; and

d. Not exceed ten (10) feet in height or ten (10) feet in length.

3. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

4. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

5. Secondary signs shall have only one (1) display surface. Such display surface shall:

a. Be a flat plane, rectangular in shape;

b. Not exceed twenty (20) square feet in area;

c. Not exceed five (5) feet in height and four (4) feet in width; and

d. Be affixed or attached to any wall or door of the enterprise.

6. The provisions of item (a) of subsection (2) and subsection (3) and (4) shall also apply to secondary signs.

7. Violation of any provision of this section shall constitute a misdemeanor. (Ord. #98-796, Aug. 1998)

9-622. Sale, use, or consumption of alcoholic beverages prohibited. 1. The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.

2. Any violation of this section shall constitute a misdemeanor. (Ord. #98-796, Aug. 1998)

9-623. Persons younger than eighteen prohibited from entry; attendant required. 1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

2. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented

business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

a. A valid operator's, commercial operator's, or chauffeur's driver license; or

b. A valid personal identification certificate issued by the State of Tennessee or other authorized jurisdiction reflecting that such person is eighteen (18) years of age or older.

3. Violation of this section shall constitute a misdemeanor. (Ord. #98-796, Aug. 1998)

9-624. Massages or baths administered by person of opposite sex. It shall be unlawful for any sexually oriented business, regardless of whether in a public or private facility, to operate as a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex. Violation of this section shall constitute a misdemeanor. (Ord. #98-796, Aug. 1998)

9-625. Hours of operation. No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and one o'clock (1:00) A.M. and twelve o'clock (12:00) P.M. on Sundays. (Ord. #98-796, Aug. 1998)

9-626. Exemptions. It is a defense to prosecution under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State of Tennessee, a college, junior college, or university supported entirely or partly by taxation;

2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (Ord. #98-796, Aug. 1998)

9-627. Notices. 1. Any notice required or permitted to be given by the director or any other city office, division, department or other agency under this chapter to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the director. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the director or his designee shall cause it to be posted at the principal entrance to the establishment.

2. Any notice required or permitted to be given to the director by any person under this chapter shall not be deemed given until and unless it is received in the office of the director.

3. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the director in writing of any change of residence or mailing address. (Ord. #98-796, Aug. 1998)

9-628. <u>Injunction</u>. A person who operates or causes to be operated a sexually oriented business without a valid business license or in violation of § 9-613 of this chapter is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation. (Ord. #98-796, Aug. 1998)

TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION
10-101. Running at large prohibited.
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Storage of food.
10-105. Seizure and disposition of animals.
10-106. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1984 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within five hundred feet (500') of any residence, place of business, or public street, without a permit from the city code administration officer. The city code administration officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not endanger the public health.

(2) Any permit issued by the city code administration officer shall be revoked by him when he has reasonable cause to believe that the public health will be endangered by allowing such permit to continue in effect.

(3) Any person aggrieved by the city code administration officer's action in granting, refusing, revoking or failing to revoke any permit as provided in this section may appeal to the board of zoning appeals. (1984 Code, § 3-104, as replaced by Ord. #2013-962, Sept. 2013)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or

enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1984 Code, § 3-102)

10-104. Storage of food. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1984 Code, § 3-103, modified)

10-105. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer, any police officer, or any other officer designated by the city manager and confined in a pound provided or designated by the board of commissioners. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of commissioners.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of commissioners, to cover the costs of impoundment and maintenance. (1984 Code, § 3-106)

10-106. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1984 Code, § 3-107)

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Rabies vaccination and registration required.
10-202. To wear tags.
10-203. Running at large prohibited.
10-204. Vicious animals to be restrained.
10-205. Noisy animals prohibited.
10-206. Confinement of animals suspected of being rabid.
10-207. Seizure and disposition of animals found at large.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-113) or other applicable law. (1984 Code, § 3-201)

10-202. To wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1984 Code, § 3-202)

10-203. Running at large prohibited. It shall be unlawful for any person to allow a dog, cat, or other animal belonging to him or under his control or that may be habitually found on premises occupied by him or immediately under his control, to go upon the premises of another, or upon a highway, or upon a public road, street, or other place, except as allowed by the Tennessee Code Annotated (1984 Code, § 3-203)

10-204. Vicious animals to be restrained. It shall be unlawful for any person to own or keep any dog, cat, or other animal known to be vicious or dangerous unless such dog, cat, or other animal is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1984 Code, § 3-205)

10-205. Noisy animals prohibited. No person shall own, keep, or harbor any dog, cat, or other animal which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1984 Code, § 3-204)

10-206. Confinement of animals suspected of being rabid. If any dog, cat, or other animal has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief

of police or any policeman may cause such dog, cat, or other animal to be confined or isolated for such time as he reasonably deems necessary to determine if such dog, cat, or other animal is rabid. (1984 Code, § 3-206)

10-207. Seizure and disposition of animals found at large. Any police officer or animal control officer may seize any dog, cat, or other animal found running at large and place it in the county dog pound. If said dog, cat, or other animal is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address. In addition to any fine which may be judicially assessed against him, the owner shall also be liable for a seizure and impounding fee of five dollars ($5.00) for the first violation thereof and for the second and third violations thereof, an impounding fee of fifteen dollars ($15.00) and twenty-five dollars ($25.00) respectively. Provided further, whenever a dog, cat, or other animal is found running at large and, because of its apparent viciousness or infection with rabies, it cannot be safely impounded, any policeman or animal control officer shall have the authority to kill or destroy said dog, cat, or other animal and in so doing he shall be exempt from damage for the destruction of said dog, cat or other animal and shall be exempt from prosecution therefor. (1984 Code, § 3-207)

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER

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

CHAPTER 1

ALCOHOL[2]

SECTION

11-101. Drinking beer, etc., on streets, etc.
11-102. Minors in beer places.
11-103. Public intoxication.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1984 Code, § 10-303)

11-102. Minors in beer places. No person under the age of eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any

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[1]Municipal code references
Animal control: title 10.
Housing and utility codes: title 12.
Fireworks and explosives: title 7.
Traffic offenses: title 15.
Streets and sidewalks (non-traffic): title 16.

[2]Municipal code reference
Sale of alcoholic beverages, including beer: title 8.

place where beer is sold at retail for consumption on the premises. (1984 Code, § 10-301)

11-103. Public intoxication. A person commits the offense of public intoxication who appears in a public place under the influence of a controlled substance or any other intoxicating substance to the degree that:

(1) The offender may be endangered;

(2) There is endangerment to other persons or property; or

(3) The offender unreasonably annoys people in the vicinity. (1984 Code, § 10-302, modified)

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1984 Code, § 10-703)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

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

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1984 Code, § 10-602)

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

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

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

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

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

disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1984 Code, § 10-603)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

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

11-401. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1984 Code, § 10-609)

11-402. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1984 Code, § 10-606)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.
11-502. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the city 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. (1984 Code, § 10-502)

11-502. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality, provided, however, it shall not be unlawful for any individual to discharge a firearm while engaged in hunting where authorized by state law and/or regulation of the Tennessee Wildlife Resources Agency. (1984 Code, § 10-501, as amended by Ord. #2005-848, Aug. 2005, modified, and replaced by Ord. #2012-949, Sept. 2012)

CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

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

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1984 Code, § 10-404)

11-602. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1984 Code, § 10-405)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1984 Code, § 10-610)

CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Caves, wells, cisterns, etc.
11-702. Posting notices, etc.
11-703. Curfew for minors.
11-704. Wearing masks.
11-705. Aiding and abetting.

11-701. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1984 Code, § 10-702)

11-702. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1984 Code, § 10-705)

11-703. Curfew for minors. 1. It shall be unlawful for any person under the age of eighteen (18) years to loiter, idle, wander, or play in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or any unsupervised place within the corporate limits of the City of Mount Pleasant, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. on Friday and Saturday, provided, however, that this section shall not apply to any minor accompanied by his or her parent, guardian or other adult person having the care and custody of said minor; any minor upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of said minor; a child attending or returning from a school or social function for which he or she has written permission in his or her possession from his or her parent, guardian or other adult person having the care and custody of said minor; or any minor going to or returning from any legitimate employment.

2. When any minor is apprehended for an apparent violation of this section, the apprehending officer shall, in his or her sole discretion, act in one or more of the following manners:

a. Take the minor to his or her home and advise and counsel with the parents, guardians or other adult person having the care and custody of said minor and the reasons for said action.

b. File an appropriate petition summoning the said minor and/or parents, guardians or other adult person having the care and

custody of said minor to appear in the Juvenile Court of Maury County, Tennessee.

c. Deliver the minor into custody of appropriate officials of the Juvenile Court of Maury County, Tennessee, for disposition.

3. No parent, guardian or other person having the care and custody of a child under the age of eighteen (18) years shall knowingly permit such minor to loiter, idle, wander, or play in and upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places, public buildings, places of amusement and entertainment, vacant lots or any other unsupervised place in the corporate limits of the City of Mount Pleasant, Tennessee, between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and 12:00 midnight and 5:00 A.M. Friday and Saturday, provided, however, that this shall not apply to a minor that falls within the exceptions set forth in subsection (1) above.

4. The parent, guardian or other person having the care and custody of said minor shall be subject to the penalty provided in this section where said parent, guardian or other person having the care and custody of said minor fails to prevent said minor from violating this section on a second or other subsequent occasion.

5. Any parent, guardian or other person having the care and custody of a minor who is found guilty of the violation of either subsection (3) or (4) of this section shall be subject to a fine not to exceed fifty dollars ($50.00) for each violation. (Ord. #94-763, Oct. 1994)

11-704. <u>Wearing masks</u>. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of ten (10) years.

(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1984 Code, § 10-704)

11-705. <u>Aiding and abetting</u>. It shall be unlawful for any person to aid or abet another in violating any provision of this code. (1984 Code, § 10-706)

CHAPTER 8

GAMBLING

SECTION

11-801. Gambling.
11-802. Promotion of gambling.

11-801. Gambling. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1984 Code, § 10-304)

11-802. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1984 Code, § 10-305)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. SWIMMING POOL CODE.
7. PROPERTY MAINTENANCE CODE.
8. MECHANICAL CODE.
9. MODEL ENERGY CODE.
10. INTERNATIONAL ENERGY CONSERVATION CODE.

CHAPTER 1

BUILDING CODE[1]

SECTION
12-101. Building code adopted.
12-102. Modifications.
12-103. [Deleted].
12-104. Violations.

12-101. Building code adopted. Pursuant to authority granted by § 6-54-501 et seq. of the Tennessee Code Annotated, and for the purpose of regulating the construction, alteration, repair, use, and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to any building or structure, the International Building Code,[2] 2012 edition, and the appendices specified in § 12-102, as hereinafter amended, as prepared and adopted by the International

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[1]Municipal code references
Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

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

Code Council, Inc. are hereby adopted and incorporated by reference, as part of this code, and is hereinafter referred to as the building code.

Furthermore, the City of Mount Pleasant hereby adopts the 2012 editions of the International Fuel Gas Code; International Mechanical Code; International Plumbing Code; the International Property Maintenance Code; the International Swimming Pool and Spa Code; the International Energy Conservation Code and the International Residential Code, including the appendices specified in § 12-102, with the exclusion of Appendix L (Permit Fees), and Chapter 11 (Energy Efficiency). Section R313.1 shall be amended with the following language: regarding Automatic Sprinkler systems in Townhouses, replace the exception with the following language: "An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall. Delete Section R313.2 (one-and two-family dwellings automatic fire systems). (1984 Code, § 4-101, as amended by Ord. #2005-853, Oct. 2005, Ord. #2010-918, Oct. 2010, and Ord. #2014-973, May 2014, and replaced by Ord. #2016-990. Aug. 2016)

12-102. Modifications. All Appendices to the International Building Code, 2012 edition, except for Appendix H (SIGNS), are adopted without amendment. Appendix H is not adopted. All Appendices to the International Residential Code, 2012 edition, except for Appendix L (Permit Fees) are adopted without amendment. Appendix L (Permit Fees), Section R313 (Automatic Fire Sprinkler Systems), and Chapter 11 (Energy Efficiency) are not adopted.

The following sections of the International Building Code, 2012 edition are amended as follows:

Section 101.1 Insert "City of Mt. Pleasant, Tennessee"

Section 109.4 Delete "to a fee established by the building official" and insert "to a fee double that of the amount of the original cost of the permit"

Section 110.6 Insert at the end of this section "A re-inspection fee of $25.00 shall be charged when a re-inspection must take place due to failure of the previous inspection." This fee shall be paid prior to a re-inspection.

Section 1612.3 Insert "City of Mt. Pleasant, Tennessee"

Section 1612.3 Insert "most recent F.I.R.M. map or letter of map revision for that area"

Section 3412.2 Insert (August 20, 1968)

The following sections of the International Residential Code, 2012 edition, are amended as follows:

Section R101.1 Insert "City of Mt. Pleasant, Tennessee"

Section R108.6 Delete "To a fee established by the applicable governing authority" and insert "to a fee double that of the amount of the original cost of the permit"

Section R109.4 Insert at the end of this section "A re-inspection fee of $25.00 shall be charged when a re-inspection must take place due to failure of the previous inspection." This fee shall be paid prior to a re-inspection. (Ord. #89-704, June 1989, as replaced by Ord. #2016-990, Aug. 2016)

12-103. [Deleted]. (Ord. #89-704, June 1989, as deleted by Ord. #2016-990, Aug. 2016)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1984 Code, § 4-104)

CHAPTER 2

PLUMBING CODE[1]

SECTION

12-201. Repealed.
12-202. Modifications.
12-203. Available in building inspector's office.
12-204. Violations.

12-201. Repealed. (1984 Code, § 4-201, as amended by Ord. #2005-853, Oct. 2005, Ord. #2010-918, Oct. 2010, and Ord. #2014-973, May 2014, and repealed by Ord. #2016-990, Aug. 2016)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city manager of this city.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code. Section 110 of the plumbing code is hereby deleted. (1984 Code, § 4-202)

12-203. Available in building inspector's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code have been placed on file in the building inspector's office and shall be kept there for the use and inspection of the public. (Ord. #89-704, June 1989)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1984 Code, § 4-204)

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

CHAPTER 3

ELECTRICAL CODE[1]

SECTION

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

12-301. Repealed. (1984 Code, § 4-301, as amended by Ord. #2005-853, Oct. 2005, Ord. #2010-918, Oct. 2010, and Ord. #2014-973, May 2014, and repealed by Ord. #2016-990, Aug. 2016)

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 have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1984 Code, § 4-302)

12-303. Permit required for doing electrical work. No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1984 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1984 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the city manager shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to

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[1]Municipal code references
Fire protection, fireworks and explosives: title 7.

refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1984 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143, for electrical inspections by deputy inspectors of the state fire marshal. (1984 Code, § 4-306)

CHAPTER 4

GAS CODE[1]

SECTION

12-401. Title and definitions.
12-402. Repealed.
12-403. Use of existing piping and appliances.
12-404. Bond and license.
12-405. Gas inspector and assistants.
12-406. Powers and duties of inspector.
12-407. Permits.
12-408. Inspections.
12-409. Certificates.
12-410. Fees.
12-411. Violations and penalties.
12-412. Nonliability.
12-413. Available in building inspector's office.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code and may be cited as such. The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1984 Code, § 4-401)

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

12-402. Repealed. (1984 Code, § 4-402, as amended by Ord. #85-662, April 1985, Ord. #2005-853, Oct. 2005, modified, and Ord. #2014-973, May 2014, and repealed by Ord. #2016-990, Aug. 2016)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1984 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of $10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1984 Code, § 4-404)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city manager. (1984 Code, § 4-405)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate city officials from time to time for their consideration. (1984 Code, § 4-406)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented recessed heater, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

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

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1984 Code, § 4-407)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be

concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury twelve (12) inches in height, and the piping shall hold this air pressure for a period of at least fifteen (15) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1984 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1984 Code, § 4-409)

12-410. Fees. (1) The total fees for inspection of consumer's gas piping at one location (include both rough and final piping inspection) shall be one dollar and fifty cents ($1.50) for one (1) to four (4) outlets, inclusive, and fifty cents ($0.50) for each outlet above four (4).

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be one dollar and fifty cents ($1.50) for each unit.

(3) The fees for inspecting vented recessed heaters and water heaters shall be one dollar ($1.00) for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of one dollar ($1.00) shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1984 Code, § 4-410)

12-411. Violations and penalties. Section 114 of the gas code is hereby deleted. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1984 Code, § 4-411)

12-412. Nonliability. This chapter shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the city, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1984 Code, § 4-412)

12-413. Available in building inspector's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, three (3) copies of the gas code have been placed on file in the building inspector's office and shall be kept there for the use and inspection of the public. (Ord. #89-704, June 1989)

CHAPTER 5

RESIDENTIAL CODE

SECTION

12-501. Repealed.
12-502. Modifications.
12-503. Available in recorder's office.
12-504. Violations.

12-501. Repealed. (1984 Code, § 4-501, as amended by Ord. #2005-853, Oct. 2005, Ord. #2010-918, Oct. 2010, and Ord. #2014-973, May 2014, and repealed by Ord. #2016-990, Aug. 2016)

12-502. Modifications. Wherever the residential code refers to the "Building Official" it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city manager. Section 108 of the residential code is deleted. (1984 Code, § 4-502)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1984 Code, § 4-503)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1984 Code, § 4-504)

CHAPTER 6

SWIMMING POOL CODE[1]

SECTION

12-601. Repealed.
12-602. Modifications.
12-603. Available in recorder's office.
12-604. Violations.
12-605. Powers conferred are supplemental.

12-601. Repealed. (Ord. #99-800, April 1999, as amended by Ord. #2014-973, May 2014, and repealed by Ord. #2016-990, Aug. 2016)

12-602. Modifications. Definitions. Whenever the swimming pool code refers to the "Chief Appointing Authority," "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city manager of this city. Whenever the "Swimming Pool Inspector" is named or referred to it shall, mean the person appointed or designated by the city manager to administer and enforce the provisions of the swimming pool code. (Ord. #99-800, April 1999)

12-603. 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 have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #99-800, April 1999)

12-604. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the swimming pool code as herein adopted by reference and modified. (Ord. #99-800, April 1999)

12-605. Powers conferred are supplemental. The Swimming Pool Code shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances

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[1]Municipal code references
Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

or regulations, nor to prevent or punish violations thereof and the powers conferred by this code shall be in addition and supplemental to the powers conferred by the charter or other laws. (Ord. #99-800, April 1999)

CHAPTER 7

PROPERTY MAINTENANCE CODE

SECTION

12-701. Repealed.
12-702. Modifications.
12-703. Available in recorder's office.
12-704. Violations.
12-705. Powers conferred are supplemental.

12-701. Repealed. (Ord. #99-799, April 1999, as amended by Ord. #2005-853, Oct. 2005, and Ord. #2014-973, May 2014, and repealed by Ord. #2016-990, Aug. 2016)

12-702. Modifications. Whenever in the international property maintenance code when reference is made to the duties of a certain official named therein, that designated official of the City of Mount Pleasant who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international property maintenance code are concerned. (Ord. #99-799, April 1999, as amended by Ord. #2005-853, Oct. 2005)

12-703. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Property Maintenance Code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #99-799, April 1999, as amended by Ord. #2005-853, Oct. 2005)

12-704. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the international property maintenance code as herein adopted by reference and modified. (Ord. #99-799, April 1999, as amended by Ord. #2005-853, Oct. 2005)

12-705. Powers conferred are supplemental. The International Property Maintenance Code shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof and the powers conferred by this code shall be in addition and supplemental to the powers conferred by the charter or other laws. (Ord. #99-799, April 1999, as amended by Ord. #2005-853, Oct. 2005)

CHAPTER 8

MECHANICAL CODE[1]

SECTION

12-801. Repealed.
12-802. Modifications.
12-803. Available in recorder's office.
12-804. Violations.

12-801. Repealed. (Ord. #89-705, June 1989, as amended by Ord. #2005-853, Oct. 2005, modified, and amended by Ord. #2010-918, Oct. 2010, and Ord. #2014-973, May 2014, and repealed by Ord. #2016-990, Aug. 2016)

12-802. Modifications. Whenever the mechanical code refers to the "Chief Appointing Authority" it shall be deemed to be a reference to the city manager. When the "Mechanical Official" is named it shall, for the purposes of the mechanical code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the mechanical code. (Ord. #89-705, June 1989, as amended by Ord. #2005-853, Oct. 2005)

12-803. 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 building inspector's office and shall be kept there for the use and inspection of the public. (Ord. #89-705, June 1989, as amended by Ord. #2005-853, Oct. 2005)

12-804. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. (Ord. #89-705, June 1989, as amended by Ord. #2005-853, Oct. 2005)

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

CHAPTER 9

MODEL ENERGY CODE[1]

SECTION

12-901. [Deleted].
12-902. Modifications.
12-903. Available in recorder's office.
12-904. Violations and penalty.

12-901. [Deleted]. (as deleted by Ord. #2014-973, May 2014)

12-902. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Mount Pleasant. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

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

12-904. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty at up to fifty dollars ($50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

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[1]State law reference

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

Municipal code references

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

CHAPTER 10

INTERNATIONAL ENERGY CONSERVATION CODE

SECTION

12-1001. Repealed.
12-1002. Modifications.
12-1003. Available in recorder's office.
12-1004. Violations and penalty.

12-1001. Repealed. (modified, as amended by Ord. #2014-973, May 2014, and repealed by Ord. #2016-990, Aug. 2016)

12-1002. Modifications. Whenever the international energy conservation code refers to the duties of a certain official named therein, that designated official of the City of Mount Pleasant who has duties corresponding to those of the named official in the international energy conservation code shall be deemed to be the responsible official insofar as enforcing the provisions of the international energy conservation code are concerned.

12-1003. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the international 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.

12-1004. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the international energy conservation code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars ($50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER
1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.
4. JUNK VEHICLES ON PUBLIC STREETS, ETC.
5. JUNK VEHICLES ON PRIVATE PROPERTY.
6. PROPERTY MAINTENANCE STANDARDS.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Health officer.
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-104. Dead animals.
13-105. Health and sanitation nuisances.
13-106. House trailers.
13-107. Overgrown and dirty lots.
13-108. Disposal of yard refuse.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1984 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1984 Code, § 8-105)

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

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

without treating it so as effectively to prevent the breeding of mosquitoes. (1984 Code, § 8-106)

13-104. 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. (1984 Code, § 8-108)

13-105. 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. When any order of the city manager to abate such nuisance is not promptly complied with the city manager may abate the nuisance and assess the costs thereof against the property. (1984 Code, § 8-109)

13-106. 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 city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1984 Code, § 8-104)

13-107. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of commissioners to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids,

steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of § 13-104 of the Mount Pleasant Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such 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. Upon the filing of the notice with the office of the register of deeds in Maury County, the costs shall 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 placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected 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.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person

designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars ($500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of commissioners under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

13-108. Disposal of yard refuse. (1) Yard refuse shall be collected by the city in accordance with this section.

(2) "Yard refuse" shall mean organic materials that can be composted and shall be limited to yard and garden materials such as: grass; leaves; weeds; trees; tree limbs; flowers and vegetable garden waste. "Yard refuse" shall not include: dirt; rocks; stumps; or trees or tree limbs cut as a result of a commercial operation. Yard refuse shall not be combined with any other refuse or waste prior to being collected by the city.

(3) Yard refuse to be collected and disposed of by the city must be placed no more than ten (10) feet from the curbside unless a curb does not exist, then no more than ten (10) feet from the line where the street surface begins. The combined weight of any yard refuse container and its contents shall not exceed seventy-five (75) pounds.

(4) City collection is for residential brush only. Commercial landscape operations and/or commercial operations that cut trees are responsible for removing their own refuse, trees and tree limbs and disposing of same on their own.

(5) Any individual and/or entity violating the foregoing provisions of this section of the municipal code resulting in the city collecting dirt, rocks, stumps, trees or tree limbs cut as a result of a commercial operation shall be liable to the city for the full cost of such removal, any administrative expense incurred thereby, any attorney's fees and/or collection costs incurred in the event collection efforts are required, plus a fine not to exceed fifty dollars ($50.00) for each and every violation and court costs. (Ord. #2002-824, May 2002)

CHAPTER 2

JUNKYARDS

SECTION

13-201. Junkyards.

13-201. Junkyards.[1] All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1984 Code, § 8-110)

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[1]State 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

SLUM CLEARANCE

SECTION

13-301. Findings of board.
13-302. Definitions.
13-303. "Public officer" designated; powers.
13-304. Initiation of proceedings; hearings.
13-305. Orders to owners of unfit dwellings.
13-306. When public officer may repair, etc.
13-307. When public officer may remove or demolish.
13-308. Lien for expenses; sale of salvaged materials; other powers not limited.
13-309. Basis for a finding of unfitness.
13-310. Service of complaints or orders.
13-311. Enjoining enforcement of order.
13-312. Additional powers of public officer.
13-313. Powers conferred are supplemental.

13-301. Findings of board. The board of commissioners finds that there exists in the city dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city and, therefore, ordains as follows. (1984 Code, § 4-601)

13-302. Definitions. (1) "Municipality" shall mean the City of Mount Pleasant, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the board of mayor and commissioners charged with governing said city.

(3) "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.

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

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

(6) "Parties in interest" shall mean all individuals, associations, corporations and other who have interests of record in a dwelling and any who are in possession thereof.

(7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1984 Code, § 4-602)

13-303. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by said building inspector. (1984 Code, § 4-603)

13-304. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any dwelling is unfit for human habitation, or whenever it appears to be the public officer (on his own motion) that any dwelling is unfit for human habitation, 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 dwelling 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 serving of said 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. (1984 Code, § 4-604)

13-305. Orders to owners of unfit dwellings. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the dwelling under consideration is unfit for human habitation, 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 dwelling can be made at a reasonable cost in relation to the value of the dwelling (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

(2) If the repair, alteration or improvement of said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (not to exceed fifty percent [50%] of the value of said premises), requiring the owner within the time specified in the order, to remove or demolish such dwelling. (1984 Code, § 4-605)

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the dwelling as specified in the preceding section hereof, the public officer may cause such dwelling 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 habitation; the use or occupation of this building for human habitation is prohibited and unlawful." (1984 Code, § 4-606)

13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the dwelling, the public officer may cause such dwelling to be removed and demolished. (1984 Code, § 4-607)

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such costs were incurred. If the dwelling is removed or demolished by the public officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Maury County, Tennessee, 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, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Mount Pleasant to define and declare nuisances and to cause their removal or abatement by summary proceedings or as otherwise may be provided by the charter or ordinances of the city. (1984 Code, § 4-608)

13-309. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the City of Mount Pleasant; 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; and uncleanliness. (1984 Code, § 4-609)

13-310. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is

unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posed in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Maury County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1984 Code, § 4-610)

13-311. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit 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 suit 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. (1984 Code, § 4-611)

13-312. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the 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. (1984 Code, § 4-612)

13-313. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers

conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (1984 Code, § 4-613)

CHAPTER 4

JUNK VEHICLES ON PUBLIC STREETS, ETC.

SECTION

13-401. Declaration as public nuisance and abatement.
13-402. Civil infraction.
13-403. Definition.
13-404. Notice of violation and right of hearing.
13-405. Notice of hearing.
13-406. Disposition of junk vehicles and abatement of nuisance.
13-407. Penalties.

13-401. Declaration as public nuisance and abatement. The City of Mount Pleasant, Tennessee, through its governing body, finds that certain acts in regard to junk vehicles, or parts thereof, are public nuisances and hereby provides a procedure for the abatement and removal of such public nuisances from public streets and/or rights-of-ways. (Ord. #90-724, July 1990)

13-402. Civil infraction. Any person who discards, abandons, or places junk vehicles or parts thereof on any public street or right-of-way in the City of Mount Pleasant, Tennessee, or any owner, lessee or manager who knowingly permits junk vehicles or parts thereof to remain on public streets and/or right-of-ways under his control shall be deemed to have created a public nuisance and thereby committed a violation of this chapter, subject to the penalties contained herein. (Ord. #90-724, July 1990)

13-403. Definition. A "junk vehicle" for the purposes of this chapter shall be a vehicle that is apparently inoperable, in a visible state of repair, and which from appearance would not be economically practicable to repair. In determining whether a vehicle is a "junk vehicle" hereunder, the enforcement officer may consider but is not necessarily required to do so, the age of the vehicle, whether same is extensively damaged, including but not limited to, obvious damage, broken windows, missing wheels, tires, motors and/or transmissions, whether said vehicle has a valid current registration, and the potential value thereof. (Ord. #90-724, July 1990)

13-404. Notice of violation and right of hearing. Any police officer or the city building inspector, upon becoming aware thereof, or upon complaint of any citizen, shall provide notice by personal service or certified mail, return receipt requested, to the last registered owner of record of the subject vehicle, that said vehicle has been declared to be a "junk vehicle," that a hearing may be requested and that if no hearing is requested, that said vehicle should be

removed from the public street and/or right-of-way within __ days from the date of such notice. (Ord. #90-724, July 1990)

13-405. Notice of hearing. If a request for a hearing is received, notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle, or parts thereof, as a public nuisance shall be mailed by certified mail, return receipt requested, to the owner thereof requesting such hearing. At such hearing, if it is determined by the city building inspector that such vehicle and/or a portion thereof, does not constitute a public nuisance and/or that same is not in violation of this chapter, no further proceedings shall be required hereunder. On the other hand, if the city building inspector determines that said vehicle or any portion thereof constitutes a "junk vehicle," as defined herein, the owner thereof shall be permitted __ days within which to remove same, and in the absence of such removal, the owner thereof shall be subject to the penalties set forth herein. (Ord. #90-724, July 1990)

13-406. Disposition of junk vehicles and abatement of nuisance. After notice has been given of the intent of the City of Mount Pleasant to dispose of the vehicle and after a hearing, if requested, has been held, and the refusal or omission of the owner thereof to remove same, as provided herein, the vehicle or any part thereof shall be removed and impounded by the Mount Pleasant Police Department with notice thereof to the Tennessee Department of Safety that said vehicle has been impounded and will be disposed of through commercial channels of disposition as if the vehicle had been totaled. (Ord. #90-724, July 1990)

13-407. Penalties. In addition to the remedies provided above, any person violating this chapter shall be deemed to have committed a misdemeanor offense and shall be subject to a fine of fifty dollars ($50.00) for each such offense, each day's subsequent violation of this chapter shall constitute a subsequent offense. (Ord. #90-724, July 1990)

CHAPTER 5

JUNK VEHICLES ON PRIVATE PROPERTY

SECTION

13-501. Declaration as public nuisance and abatement.
13-502. Civil infraction.
13-503. Definition.
13-504. Notice of violation and right of hearing.
13-505. Notice of hearing.
13-506. Immunity of land owner under certain circumstances.
13-507. Disposition of junk vehicles and abatement of nuisance.
13-508. Penalties.

13-501. Declaration as public nuisance and abatement. The City of Mount Pleasant, through its governing body, finds that certain acts in regard to junk vehicles, or parts thereof, are public nuisances and hereby provides a procedure for the abatement and removal of such public nuisances from private property. (Ord. #90-725, July 1990)

13-502. Civil infraction. Any person who discards, abandons, or places junk vehicles or parts thereof on private property, or any owner, lessee or manager who knowingly permits junk vehicles, or parts thereof, to remain on premises under his control, shall be deemed to have created a public nuisance and thereby committed a civil infraction, except the foregoing provision shall not apply to:

(1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner or where it is not otherwise visible from the street or other public or private property; or

(2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of an automobile graveyard, properly fenced. (Ord. #90-725, July 1990)

13-503. Definition. A "junk vehicle" for the purposes of this chapter shall be a vehicle that is apparently inoperable, in a visible state of disrepair, and which from appearance would not be economically practicable to repair. In determining whether a vehicle is a "junk vehicle" hereunder, the enforcement officer may consider but is not necessarily required to do so, the age of the vehicle, whether same is extensively damaged, including but not limited to, obvious damage, broken windows, missing wheels, tires, motors and/or transmissions, whether said vehicle has a valid current registration, and the potential value thereof. (Ord. #90-725, July 1990)

13-504. Notice of violation and right of hearing. Any police officer or the city building inspector, upon becoming aware thereof, or upon complaint of any citizen, shall provide notice by personal service or certified mail, return receipt requested, to the last registered owner of record of the subject vehicle, that said vehicle has been declared to be a "junk vehicle," that a hearing may be requested and that if no hearing is requested, that said vehicle should be removed from identified property within thirty (30) days from the date of such notice. (Ord. #90-725, July 1990)

13-505. Notice of hearing. If a request for a hearing is received, notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle, or parts thereof, as a public nuisance shall be mailed by certified mail, return receipt requested, to the owner of the land as shown on the last tax assessment role, and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. At such hearing, if it is determined by the city building inspector that such vehicle and/or a portion thereof, does not constitute a public nuisance and/or that same is not in violation of this chapter, no further proceedings shall be required hereunder. On the other hand, if the city building inspector determines that said vehicle or any portion thereof constitutes a "junk vehicle," as defined herein, the owner thereof shall be permitted thirty (30) days within which to remove same, and in the absence of such removal, the owner thereof shall be subject to the penalties set forth herein. (Ord. #90-725, July 1990)

13-506. Immunity of land owner under certain circumstances. The owner of the land on which the vehicle is located may appear in person at the hearing to present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that he has not subsequently acquiesced in its presence, then the City of Mount Pleasant shall not assess costs of administration or removal of the vehicle against the property on which the vehicle is located, or otherwise attempt to collect the costs from the owner; provided, however, that the costs of removal may be assessed against the registered owner. (Ord. #90-725, July 1990)

13-507. Disposition of junk vehicles and abatement of nuisance. After notice has been given of the intent of the City of Mount Pleasant to dispose of the vehicle and after a hearing, if requested, has been held, and the refusal or omission of the owner thereof to remove same, as provided herein, the vehicle or any part thereof shall be removed and impounded by the Mount Pleasant Police Department with notice thereof to the Tennessee Department of Safety that said vehicle has been impounded and will be disposed of through

commercial channels of disposition as if the vehicle had been totaled. (Ord. #90-725, July 1990)

13-508. Penalties. In addition to the remedies provided above, any person violating this chapter shall be deemed to have committed a misdemeanor offense and shall be subject to a fine of fifty dollars ($50.00) for each such offense, each day's subsequent violation of this chapter shall constitute a subsequent offense. (Ord. #90-725, July 1990)

CHAPTER 6

PROPERTY MAINTENANCE STANDARDS

SECTION

13-601. Littering generally.
13-602. Accumulation of rubbish.
13-603. Weeds and other vegetation.
13-604. Poisonous vegetation.
13-605. Traffic obstruction.
13-606. Violation.
13-607. Transfer of title.
13-608. Fine.
13-609. Supplemental provisions.

13-601. Littering generally. It is unlawful for any person to throw or deposit or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any private property, any waste, waste paper, cans or other materials, litter, garbage, trash or rubble of any kind or to allow these items to accumulate upon public property immediately adjacent to and abutting that person's private property and between the private property and the public streets or alleyways upon which the property fronts. It is the responsibility of all owners and occupants of private property to keep abutting rights-of-way free and clear of rubbish, trash, etc. It is further the responsibility of private property owners and occupants to keep the rights-of-way upon which the property fronts mowed and clear of weeds, tall grass, etc. (Ord. #2009-898, Oct. 2009)

13-602. Accumulation of rubbish. It is unlawful for any person owning, leasing, occupying, or having control of property, regardless of whether the property is a vacant lot or contains any form of structure to permit the accumulation upon the property of garbage, trash, rubbish or other refuse in any form or nature, other than as authorized for city pick-up and disposal. All such accumulations are declared to be a public nuisance. The failure to clean up and remove such rubbish is a violation of this chapter. (Ord. #2009-898, Oct. 2009)

13-603. Weeds and other vegetation. (1) It is unlawful for any person or other entity owning, leasing, occupying or having control of property in the city, regardless of whether the property is vacant or contains any form of structure, to permit the growth upon the property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve inches (12") when the growth is within two hundred feet (200') of other improved and/or occupied property or is within two hundred feet (200') of the right-of-way of any street, thoroughfare, or highway within the city.

(2) Excluded from these provisions are tracts of land of five (5) acres or larger in unplatted, undeveloped areas (i.e., not in a subdivision approved by the city planning commission, and the plat of which is recorded with the register of deeds, or in a subdivision developed prior to the creation of the planning commission, a plat of which is of record with the register of deeds) or tracts that are being used for current agricultural purposes. Property not exempt due to its size or the active practice of agriculture which is contiguous to parcel(s) of land that front on public streets or roadways, or contain any improvements shall be cleared of all weeds, tall grass and other noxious vegetation to within two hundred feet (200') of the property line of the developed property adjoining the subject tract and/or front property line adjoining the right-of-way of any street or roadway. Also excluded are natural wooded areas containing trees. As to these naturally wooded areas, the clearing requirements of this section extend only to the line of woods or trees adjoining developed (improved) property or public thoroughfares. (Ord. #2009-898, Oct. 2009)

13-604. Poisonous vegetation. It is also unlawful for any person or other entity to permit poison vines or plants injurious because of pollination or a menace to health, to grow in the city where they may cause injury or discomfort to any person, regardless of height, which plants are hereby declared to be a public nuisance. The failure to destroy poison vines or other such plants constitutes a violation of this chapter. (Ord. #2009-898, Oct. 2009)

13-605. Traffic obstruction. It is unlawful to plant, maintain, or allow any vegetation, shrubbery, hedge rows, etc., so near or upon public road rights-of-way as to obstruct the view of a person driving in the roadway or otherwise constitute a hazard to vehicular and/or pedestrian traffic. Failure of owners of property adjoining the rights-of-way or owners of property upon which the vegetation exists to trim or remove it is guilty of a violation of this chapter. (Ord. #2009-898, Oct. 2009)

13-606. Violation. The failure to cut and destroy weeds, grass, brush and all other rank or noxious vegetation not subject to the exclusions above constitutes a violation of this chapter and violators are subject to the general penalty provisions of this code. (Ord. #2009-898, Oct. 2009)

13-607. Transfer of title. It is unlawful to transfer title to property that has a notice of violation posted on it. (Ord. #2009-898, Oct. 2009)

13-608. Fine. Violators of this chapter shall be subject to a fifty dollar ($50.00) fine plus the cost for remedial measure necessary to bring the property into compliance with city standards. The city's general penalty clause is a fifty dollar ($50.00) fine for the violation of municipal ordinances. (Ord. #2009-898, Oct. 2009)

13-609. <u>Supplemental provisions</u>. The provisions of this chapter are supplemental to other regulations and provisions adopted by the city commission or allowed by state law. (Ord. #2009-898, Oct. 2009)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. AIRPORT ZONING.
4. PLACEMENT OR CONSTRUCTION OF BUILDINGS OR STRUCTURES OVER UTILITY MAINS AND STORMWATER DRAINS.
5. M3 ZONING OVERSIGHT COMMITTEE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
14-101. Creation and membership.
14-102. Organization, powers, duties, etc.
14-103. Additional powers.
14-104. Designated as a design review committee.

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 seven (7) members; two (2) of these shall be the mayor or a person designated by the mayor and another member of the board of commissioners selected by the board; the other five (5) shall be appointed by the mayor. At least two (2) members of the planning commission designated as a regional planning commission in § 14-103 shall reside outside the city but within the region served by the regional planning commission. All members of the planning commission shall serve as such without compensation. The terms of the members shall be three (3) years, excepting that in the appointment of the first planning commission two (2) of said members shall be appointed for a term of three (3) years, two (2) for a term of two (2) years and the remaining member for a term of one (1) year. The terms of the mayor and the member selected by the board of commissioners shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1984 Code, § 11-101, modified, as amended by Ord. #2017-1000, Feb. 2017)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1984 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1984 Code, § 11-103)

14-104. Designated as a design review committee. (1) Pursuant to Tennessee Code Annotated, § 6-54-133, the City of Mount Pleasant, Tennessee designates the Mount Pleasant Planning Commission as a design review committee.

(2) The Mount Pleasant Planning Commission, designated as a design review committee, is permitted to adopt guidelines for the exterior appearance of nonresidential and multiple family residential property, and the entrances to nonresidential developments within the municipality.

(3) Any person aggrieved by the Mount Pleasant Planning Commission, while acting as a design review committee, must appeal to the Mount Pleasant Board of Commissioners. (as added by Ord. #2017-1006, July 2017

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.
14-202. Application fees.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Mount Pleasant shall be governed by Ordinance #81-641, titled "Zoning Ordinance of 1981, City of Mount Pleasant, Tennessee, " and any amendments and/or successors thereto. The zoning ordinance is included in its entirety in this chapter and its original numbering and formatting has been retained.

14-202. Application fees. The following fees shall be charged and collected for services and administration of land use activities under the authority of the planning commission and the board of zoning appeals, as follows:

APPLICATION FEE SCHEDULE

Plat recording fee - $50.00

Subdivision plat--sketch	
All plats having more than 4 lots	$200.00
Subdivision plat--preliminary	
1--4 lots	$100.00
5--20 lots	$100.00 plus $35.00 per lot
21 or more lots	$100.00 plus $25.00 per lot
Subdivision plat--final	
1--4 lots	$350.00
5--20 lots	$250.00 plus $35.00 per lot
21 or more lots	$250.00 plus $25.00 per lot

Site plans	
(Zoning already in place)	
Multi-family residential	$350.00 (3 or more units)
Mobile home park	$350.00
Commercial	$400.00
Industrial	$300.00
Board of zoning appeals	
Special exception use	$150.00
Variances	$150.00
Appeals	$100.00
Rezoning request	
Planning commission review	$200.00
Two readings by city commission	$350.00

(Ord. #99-806, June 1999, as amended by Ord. #2007-871, June 2007, Ord. #2009-890, Feb. 2009, and Ord. #2016-988, Aug. 2016)

ZONING ORDINANCE CONTENTS

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ARTICLE I.

TITLE

This ordinance shall be known as the "Zoning Ordinance of the City of Mount Pleasant, Tennessee." The map herein referred to as the "Municipal Zoning Map of Mount Pleasant, Tennessee," dated June 23, 1981 and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

ARTICLE II.

PURPOSE

The zoning regulations and districts as herein set forth have been in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things as to the character to each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE III.

DEFINITIONS

Unless otherwise stated the following words shall for the purpose of this ordinance have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural, and the plural, the singular. The word "shall" is mandatory, not directory.

ABUTS OR ABUTTING: Lots or land adjoining but separated by a common property line; also, those lots or lands which adjoin if property lines are extended to the center lines of streets.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Mount Pleasant, Tennessee are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreens trees, spaces not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDABLE AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING: Any structure built for, or occupied by, residence, business, industry, or other use, including a tent, lunch wagon, dining car, mobile home, travel trailer, or a similar structure, whether stationary or movable.

> Floor Area Ratio (FAR). The floor area in square feet of all buildings on a lot, divided by the area of such lot in square feet.
>
> Half-Story. A story under a sloping roof, the finished floor area of which does not exceed one-half of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part

of the basement thus used does not exceed fifty (50) percent of the floor area of the floor immediately above.

Height of Building. The distance from the established average sidewalk grade of street grade, or finished grade at the building line, whichever is the highest, to the highest point of a building.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

Total Floor Area. The area of all floors of a building, including finished attic, finished basement, and covered porches used for habitation.

BUILDING SET BACK LINES: Yard Requirements

DWELLING: A building or part thereof used as a habitation under one of the following categories:

a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

c. Apartment dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

d. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities.

e. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

f. Town house means a residential structure containing three (3) or more single non-detached dwelling units separated by a common vertical wall.

g. Condominium means a form of ownership of less than the whole of a building under the "Tennessee Horizontal Property Act," Tennessee Code Annotated , §§ 64-2701 to -2722. The statute provides the mechanics for formal filing and recording of divided interests in real property, whether the division is vertical or horizontal.

h. Multi-family means a townhouse or apartment dwelling.

i. Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.

j. Mobile home or trailer means a vehicular, portable structure built on a permanent chassis, designed for year-round occupancy and designed to be used with or without a permanent foundation when connected to the required utilities including the plumbing, heating, and electrical contained therein, and which is capable of being moved, towed, or transported by another vehicle. Recreation vehicles and travel trailers are not included in this definition of mobile home. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

FAMILY: One or more persons living as a single housekeeping unit.

FALLOUT SHELTER: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, and other emergencies.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD, 100-YEAR: A flood which has, on the average, a one (1) percent change of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent-change flood."

FLOODPLAIN: A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this ordinance, the land subject to inundation by the 100-year floodplain.

FLOODPROOFING: Any combination of structural or nonstructural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

FLOODWAY: The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions.

FLOODWAY FRINGE AREAS: Lands lying outside a designated floodway, but within the area subject to inundation by the 100-year flood.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOSPITAL: See Medical Facilities.

HOME OCCUPATION: An incidental occupation customarily carried on in the residence, utilizing no more than twenty-five (25) percent of the usable flood area of all buildings; provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and

salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

LANDSCAPE TREATMENT: The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.

LIGHT MANUFACTURING: Industrial uses or activities which produce no objectionable noise, smoke, odor, dust, dirt, noxious gases, glare or heat and which do not create potential hazards such as fire, industrial waste and substantial traffic. All activities must be carried on indoors.

LOADING AND UNLOADING SPACE: An area for the loading and unloading of trucks or other vehicles at least fifty (50) feet in depth, twelve (12) feet in width, (with an overhead clearance of not less than fourteen (14) feet), exclusive of access, platform, or maneuvering area.

LOT: A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal structures and accessory structures and including the open spaces required under this ordinance.

Coverage. The relationship between the size of the building site and the amount of land utilized by principal and accessory structures.

Lot Lines. The boundaries dividing a given lot from the street, an alley, or adjacent lots.

Lot of Record. A lot whose existence, location, boundaries, and dimensions have been legally recorded in a deed or plat and filed as a legal record.

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Center. A facility for the examination and treatment of ill and afflicted human outpatients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital. An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities,

emergency medical services, and staff offices which are an integral part of the facility.

MOBILE HOME PARK: An individual parcel of land, under single ownership containing at least two (2) acres and ten (10) mobile home spaces, with continuing local general management. Special facilities for common use by the occupants, including recreational buildings and areas, common open space and laundry facilities may be provided. This item includes those mobile home parks which may have existed prior to the adoption date of this ordinance. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

NONCONFORMING USE: The use of a structure or of land, lawful at the time of enactment of this ordinance, that does not conform with the provisions of this ordinance for the district in which it is located.

PARKING LOT: An off-street facility including parking spaces with adequate provision for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: One (1) vehicular parking space at least three hundred (300) square feet in area and, at least, nine (9) feet in width measured to the center of a two (2) inch painted space marker.

PLANNING COMMISSION: The Mount Pleasant Regional Planning Commission.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

SHOPPING CENTER: A group of compatible commercial establishments planned, developed, and managed as a unit, with a parking lot provided on the property; the center must also be related in location, size, and type of shops to its trade area.

SIGN: Any structure or part thereof or device attached thereto, painted on, or in any other manner represented on a building or other structure, which is used to announce, direct attention to, or advertise, and is visible from outside a building, which displays any writings (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character. Any of the above characteristics constitutes a sign within a building only when illuminated and located in a window.

Flashing Sign. A directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times in use.

Ground Sign or Billboard. Any sign not attached to any part of any building and which is supported by uprights or braces, placed upon the ground.

Off-Site Sign. A sign which directs attention to a business commodity or service to be, or being, conducted, sold, rented, leased, or otherwise offered for disposition elsewhere than on the premise.

On-Site Sign. Any sign other than an off-site sign.

Projecting Sign. Any sign extending over the public sidewalk or beyond the street line.

Roof Sign. Any sign erected, constructed, or maintained upon the roof of any building.

Sign Area. The area of the sign, excluding the structural elements lying outside the limits of such sign and not forming an integral part of the display.

Temporary Sign. Any sign which is by reason of construction or purpose intended to be displayed for a short period of time. Unless specifically stated elsewhere in this ordinance, a period of six (6) months is the maximum time limit for the display of a temporary sign.

Wall Sign. Any sign on any surface or plan that may be affixed parallel to or printed on the wall of any building.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

STREET: Any public or private way set aside for public travel which is thirty (30) feet or more in width. The word "street" shall include the words "road," "highway," and "thoroughfare."

Alley. Any public or private way less than thirty (30) feet in width set aside for public travel.

Arterial Street or System. A continuous highway or system of highways which connects cities and concurrently absorbs collector traffic.

Center Line of Street. That line surveyed and monumented by appropriate governmental authority as the center of a street. If such line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

Circulation. The flow of traffic, goods, or people within and through an area.

Collector Street. An urban street which collects traffic from minor streets and feeds it into the arterial system.

Curb Line. The line formed by a curb extending along its roadbed.

Point of Access. A driveway cut, on a public street, not exceeding twenty-five (25) feet in width, and not closer than twenty-five (25) feet to another driveway cut.

Right-of-way Line of Street. That line surveyed or approved by appropriate governmental authority as the outer boundary of a street. Such line is identical to or contiguous with any property line abutting a street, and is often referred to as "street line."

STRUCTURE: Any constructed or erected material or combination of materials, requiring space, including but not limited to, buildings, stadiums, radio towers, sheds, storage dens, fallout shelters, swimming pools, fences, and signs.

Accessory Structure. A subordinate structure, the use of which is incidental to that of a principal structure on the same lot.

Principal Structure. A structure in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure with regard to meeting any required setbacks.

YARD: Open space on the same lot with one or more principal structures, unoccupied, and unobstructed by buildings from the ground to the sky, except as otherwise provided in this ordinance.

Front Yard. The yard extending across the entire width of a lot between the right-of-way line of a public street and the nearest part of a principal

structure. In the case of a corner lot, the regional zoning compliance officer shall identify the front yard for the purpose of compliance with this ordinance.

Rear Yard. The yard extending across the entire width of a lot between the rear lot line and the nearest part of a principal structure.

Side Yard. The yard extending along a side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of a principal structure.

Yard Depth. The shortest distance between the right-of-way line of a public street and the nearest part of a principal structure on a lot.

ARTICLE IV

GENERAL PROVISIONS

SECTION

4.100 Continuance of Nonconforming Uses and/or Structures
4.200 Number of Structures and Uses Associated with a Lot
4.300 Fallout Shelters
4.400 Minimum Lot Area
4.500 Rear Yard Abutting a Public Street
4.600 Obstruction to Vision at Street Intersection
4.700 Accessory Off-Street Parking and Loading Regulations
4.800 Signs
4.900 Landscape Treatment
4.1000 Plot Plan Requirements
4.1100 Floodway Fringe Area Requirements
4.1200 Minimum Design Standards for Transmission and Communication Towers and Stations
4.1300 Fencing

Except as herein provided, no structure or land shall be used and no structure or parts thereof shall be erected, moved, or altered, unless for a use permitted by and in conformity with the regulations for the district in which it is located.

4.100 CONTINUANCE OF NONCONFORMING USES AND/OR STRUCTURES.

Any existing structure or use which does not conform to the provisions of this ordinance or subsequent amendment thereto may be continued with these limitations:

4.101 A nonconforming use shall not be changed to another nonconforming use.

4.102 A nonconforming use shall not be re-established after it has been discontinued.

4.103 A nonconforming use of land shall be restricted to the lot occupied by such use.

4.104 A nonconforming use of a structure shall not be enlarged to include either additional land or structures.

4.105 A nonconforming use may be extended throughout those parts of a structure which were manifestly arranged or designed for such use prior

to the time of enactment of this ordinance, but shall not be extended to additional structures on the same lot or another lot.

4.106 A nonconforming use shall not be structurally altered except in conformity with this ordinance. This provision shall not be construed to prevent normal maintenance required for structural safety.

4.107 A nonconforming use shall not be rebuilt or repaired after damage by fire, flood, wind or other acts of god exceeding fifty percent (50%) of the fair sales value of the structure immediately prior to damage, in which case any repair or reconstructions shall be in conformity with the provisions of this ordinance.

4.108 All nonconforming uses of land shall be discontinued and all nonconforming structures shall be torn down, altered, moved or otherwise made to conform within fourteen (14) years with the exception of junkyards, commercial animal yards, and lumber yards not on the same lot with a plant or factor, which shall be torn down, altered, moved, or otherwise made to conform within four (4) years from the date of enactment of this ordinance. Nonconforming signs and mobile homes shall be made to conform within three (3) years from the date of enactment of this ordinance.

4.109 In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted provided that no change in the use of the land is undertaken by such industry or business.

4.110 Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto, in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated

within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

4.111 Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located.

No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

4.112 The provisions of the preceding three (3) paragraphs shall apply only to land owned and in use by such affected business, and shall not permit expansion of an existing industry or business through the acquisition of additional land.

4.200 NUMBER OF STRUCTURES AND USES ASSOCIATED WITH A LOT.

4.201 No part of a yard or other open space, or automobile storage area, or loading and unloading space, required about or in connection with any structure for the purpose of complying with this ordinance, shall be included as a part of a yard, or other open space, or automobile storage area, or loading or unloading space similarly required for any other structure.

4.202 With the exception of group housing developments, including mobile home parks, only one principal structure and its customary accessory structures shall hereafter be erected on any lot in a residential district.

4.203 No building shall be erected on a lot which does not abut at least one (1) street for at least fifty (50) feet in width to a street which has been accepted as a public thoroughfare.

Permanent Easements (Vehicular)

A permanent easement, as established in Tennessee Code Annotated, § 13-4-308, may be permitted under certain conditions. These easements shall meet the following minimum requirements and any special conditions attached by the planning commission, and the requirements and special conditions for the easement shall be placed on the final plat for recording.

A. A permanent easement shall be of a required width of no less than fifty (50) feet. However, the planning commission may require greater widths if necessary to meet special conditions present on a plat.

B. A permanent easement shall be improved to meet the road construction standards established in these regulations.

C. Permanent easement improvements shall be maintained by the developer/owner or by a legally established home owners association or other similar group approved by the planning commission. The legal documents establishing maintenance of the easement shall be submitted with the final plat for review and approval and shall be recorded with the final plat.

D. If, at any future date, a permanent easement is submitted for acceptance as a public street or road, it shall be submitted to the planning commission for approval (Tennessee Code Annotated, § 13-4-307). In considering the easement for approval as a public street or road, the planning commission shall require the improvements in the easement to meet the minimum street construction standards in effect at the time the request for public acceptance is made.

E. A permanent easement of at least fifty (50) feet may serve not more than four (4) lots. (Ord. #94-759, July 1994)

4.300 FALLOUT SHELTERS.

Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately; and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations of such use, but shall not be

used for principal or accessory uses prohibited expressly or by implication in the district.

4.400 MINIMUM LOT AREA.

No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose.

4.500 REAR YARD ABUTTING A PUBLIC STREET.

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

4.600 OBSTRUCTION TO VISION AT STREET INTERSECTION.

In all districts except C-1, Neighborhood Commercial, on a corner lot within the area formed by the center lines of intersecting streets and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 ½) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

4.700 ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number of specified below for various uses. Each space shall be at least ten (10) feet wide and twenty (20) feet long--two hundred (200) square feet in area--and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back onto a major or secondary thoroughfare, excluding residential property.

4.701 Off-Street Automobile Parking.

4.701.1 Amusement Places (Auditoriums, Stadiums, Theaters, or Similar Uses).

One (1) parking space for the number of employees; plus the number of patron seats divided by five (5) but at least one (1) space for each two hundred (200) square feet of floor space according to use. (As amended by Ord. #89-703, June 1989)

4.701.2 Automobile Sales and Repair Garages.

One (1) space for each regular employee plus one (1) space for each three hundred (300) square feet of floor area used for repair work.

4.701.3 Churches.

Five (5) parking spaces for the first thirty (30) individual seating spaces; plus five (5) parking spaces for every twenty (20) individual seating spaces, thereafter.

4.701.4 Dwellings.

Two (2) parking spaces for every family.

a. One- and Two-family Dwellings. Two (2) parking spaces for each family.

b. Three-family dwellings, single apartments, and group housing development. Two (2) parking spaces for each dwelling unit. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.5 Funeral Homes or Mortuaries.

One (1) parking space for every six (6) seats; or in the case of no fixed seats, one (1) parking space for every two hundred (200) square feet of chapel area; plus one (1) parking space for every funeral vehicle and one (1) for every resident family. (Ord. #81-641, as amended by Ord. #89-703, June 1989)

4.701.6 Hospitals and Nursing Homes.

One (1) parking space for every six (6) beds; plus one (1) parking space for every doctor; plus one (1) parking space for every two (2) nurses and other employees.

4.701.7 Hotels, Motels and Cabins.

One (1) parking space for every guest room; plus one (1) parking space for every three (3) employees.

4.701.8 Industrial or Manufacturing Establishments.

One (1) parking space for every four (4) employees; plus one (1) parking space for every business vehicle.

4.701.9 Lodges and Clubs.

One (1) space for each three (3) members.

4.701.10 Medical or Dental Clinics.

Four (4) parking spaces for every doctor; plus one (1) parking space for every two (2) employees. (Ord. #81-641, as amended by Ord. #89-703, June 1989)

4.701.11 Office, Professional, or Public Buildings.

One (1) parking space for every three hundred (300) square foot of office space. (Ord. #81-641, as amended by Ord. #89-703, June 1989)

4.701.12 Passenger Terminals.

Three (3) square feet of automobile storage area for every square foot of commercial floor area; plus one (1) parking space for every three (3) employees.

4.701.13 Recreational Areas (Bowling Alleys, Swimming Pools, Skating Rinks, or Similar Uses).

Two (2) square feet of automobile storage area for every square foot of floor area devoted to recreational use.

4.701.14 Retail Business or Personal Service Establishment.

One (1) parking space for every two hundred (200) square feet of customer service area. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.15 Restaurants, Tea Rooms, Coffee Shops and Similar Use.

One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees.

4.701.16 Roadside Service Facilities (Service Stations, Repair Shops, or Similar Uses).

One (1) parking space for every gasoline pump; plus one (1) parking space for every car wash room, every grease rack, every mechanic's stall, or similar area; plus one (1) parking space for every two (2) employees.

4.701.17 Shopping Centers.

One (1) parking space for every two hundred (200) square feet of building area. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.18 Wholesale Businesses or Warehousing.

One (1) parking space for every five (5) employees; plus one (1) parking space for every business vehicle, with a minimum of five (5) spaces. For establishments providing space for sales at retail, one (1) parking space should be provided for every five hundred (500) square feet of floor space. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.19 Other Structures or Uses Customarily Requiring Automobile Storage Areas.

One (1) parking space for every two hundred (200) square feet of floor area occupied. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.20 Parking Angle.

Where ninety (90) degree parking is planned or required, a width of sixty-five (65) lineal feet shall be provided for two (2) tiers of automobiles separated by a two-way aisle.

4.702 Other Automobile Storage Requirements.

4.702.1 If a required automobile storage area cannot be provided on the same lot with a principal use, the Mount Pleasant Municipal Board of Zoning Appeals (ARTICLE XII) may permit such space on other property not residential district to be used; provided, that it lies within four hundred (400) feet of the main entrance to such principal use. Except, that one-half of the automobile storage area required for a church, theater, or other place of assembly, whose peak attendance is at another time, may be assigned to another use.

4.702.2 Joint Use of Off-Street Parking.

Nothing in this ordinance shall be constructed to prevent the joint use of an off-street parking area or facility by two (2) or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

4.702.3 Requirements for Design of Parking Lots.

A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain eqress.

B. Each parking space shall be no less than two hundred (200) square feet in area.

C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090 of this ordinance.

D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

4.703 Off-street loading and unloading requirements.

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area for Principal Building	Spaces Required (See ARTICLE II for Definition)
0 to 4,999 square feet	One (1) space
5,000 to 9,999 sq. feet	Two (2) spaces
10,000 to 14,999 sq. feet	Three (3) spaces
15,000 to 19,999 sq. feet	Four (4) spaces
Over 20,000 sq. feet	Four (4) spaces, plus one (1) additional space for each additional 20,000 sq. ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

4.704 Temporary Use Regulations.

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. Carnival or Circus: May obtain a Temporary Use Permit in the C-3, C-4, M-1, M-2 or F-1 Districts however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use

shall only be permitted on lots where adequate off-street parking can be provided.

B. Christmas Tree Sale: May obtain a 30-day Temporary Use Permit for the display and sale of Christmas trees on open lots in any districts.

C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Religious Tent Meetings: In any district, except the residential districts RS, RL, RG2, and RG3, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a 30-day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

E. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community.

4.705 Customary incidental home occupations.

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders) conducted by members of a family residing on the premises or only one (1) person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration

to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located.

Activities that are deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation. This includes: dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, convalescent homes, mortuaries, animal clinics, retail sales businesses, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the area.

4.800 SIGNS.

4.801 General Requirements.

4.801.1 No sign or billboard except those authorized in Section 802 of this Chapter, shall be erected until a permit has been obtained therefore from the building inspector.

4.801.2 No ground sign supports shall be located closer than five (5) feet to any street line or property line.

4.801.3 Any sign located within fifteen (15) feet of the street line shall be at least eight (8) feet above grade level. No sign shall be permitted where, in the opinion of the board of appeals, a traffic hazard would be created.

4.801.4 No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50) feet in length.

4.801.5 Billboards shall be erected or placed in conformity with the side, front, and rear yard requirements for the district in which located. However, no billboards shall be erected or placed closer than within one hundred (100) feet of any Residential District.

4.801.6 If signs are not kept in good repair in the opinion of the board of zoning appeals, the sign permit may be revoked and such signs removed by the city.

4.802 Signs Permitted in All Districts.

4.802.1 Signs of duly constituted governmental bodies including warnings at crossroads.

4.802.2 Flags or emblems of political, civic, philanthropic, educational, or religious organizations.

4.802.3 Temporary signs, totaling not over two (2) square feet of surface area on any lot, appertaining to campaigns, drives, or events of political, civic, philanthropic, educational, or religious organizations, provided that such surface area may exceed two (2) square feet for a single period of not more than seven (7) days in any quarter calendar year.

4.802.4 Memorial plaques, cornerstones, historical tablets, and the like.

4.802.5 Signs not visible off the lot upon which they are situated.

4.802.6 Signs posted in conjunction with door bells or mail boxes, not exceeding seven (7) square inches of surface area.

4.802.7 Signs required by law or governmental order, rule, or regulation, unless specifically prohibited, limited, or restricted.

4.802.8 Small unilluminated signs, not exceeding one and one-half (1 ½) square feet in surface area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, parking area entrances or exits, freight entrances, and the like.

4.802.9 Address signs, not more than one (1) for each street frontage of each principal use on a lot and not exceeding seventy-two (72) square inches in surface area, showing only the numerical address designations of the premise upon which they are situated.

4.802.10 One sign of not more than six (6) square feet pertaining to the sale, lease, hire, or rental of the property on which the sign is displayed; provided that if said property faces more than one (1) street, one (1) sign shall be allowed on each frontage. Each such sign shall be located not nearer than ten (10) feet to an adjoining premise, and not nearer than five (5) feet to a street line.

4.802.11 One unilluminated sign of not more than two (2) square feet indicating the name of the occupant and his profession or business and attached flat against a wall of a building.

4.802.12 One bulletin board of not more than ten (10) sq. ft. for purposes of charitable, educational, or religious institutions.

4.802.13 One temporary sign not to exceed six (6) square feet in area indicating the name of the contractors, engineers, and/or architects of a project during a construction period.

4.803 Signs Permitted in Residential Districts.

4.803.1 Nameplates indicating name, address, house number, announcements of boarders or roomers, or customary home occupations are permitted.

4.803.2 For multi-family dwellings and mobile home parks, identification signs not exceeding twenty (20) square feet in area are permitted.

4.803.3 Church, school, or public building bulleting boards or identification signs, not exceeding twenty (20) square feet in area are permitted.

4.803.4 Flashing or intermittent illumination is prohibited.

4.803.5 Billboards and other advertising structures are prohibited.

4.804 Signs Permitted In Commercial Districts.

4.804.1 Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals and clinics.

4.804.2 Business signs shall be permitted subject only to the restrictions in section 4-801 of this chapter.

4.804.3 Billboards and other outdoor structures are permitted, subject to the general restrictions set forth in section 4.801. However, flashing or intermittent illumination signs are prohibited.

4.805 Signs Permitted In Industrial Districts.

4.805.1 Business signs shall be permitted which relate to the business on the premises, and are subject to the restrictions in section 4.801 of this article.

4.805.2 Signs not exceeding three hundred (300) square feet in surface area may be attached to a building wall or roof, projected from a building or constructed as ground signs or independent permanent supports, provided that no part of the sign shall project over any right-of-way.

4.805.3 Any sign of more than fifty (50) square feet in surface area shall be set back at least fifteen (15) feet from the street lines.

4.805.4 Flashing or intermittent illumination is prohibited.

4.805.5 Billboards and other outdoor advertising structures are permitted.

4.806 Signs Prohibited in All Districts.

4.806.1 Signs on any vacant lot or parcel of land lying between two (2) residential structures or uses where said structures or uses are less than one hundred (100) feet apart or located within fifty (50) feet of any residential use in the same block frontage.

4.806.2 Off-site signs within one hundred (100) feet of any public school ground or public park.

4.806.3 Except for public safety, signs within three hundred (300) feet of railroad crossings.

4.806.4 Signs painted on or attached to fence posts, trees, rocks, canopy posts, utility poles, or placed on, by or above the green planting area between the structures and the thoroughfare.

4.806.5 Signs whereby reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure or interfere with the view of or be confused with any authorized traffic control sign, signal, device or emergency vehicle.

4.900 LANDSCAPING TREATMENT REGULATIONS.

4.901 Purpose and intent.

It is the purpose and intent of these regulations to provide adequate protection for the contiguous property against the undesirable effects caused by the creation and operation of parking and loading areas, and to protect and preserve the appearance and character of the surrounding neighborhoods through the screening effects and aesthetic qualities of such landscaping. The landscaping ordinance can be waved by the planning commission if deemed necessary due to hardships or natural land features. as such. All parking and loading areas constructed after the date of the ordinance codified in this chapter, shall be properly screened and landscaped as hereinafter described:

1. Yards.

All yards and open spaces surrounding parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner. In commercial and industrial areas, twenty (20) percent will remain green/open spaces.

2. Parking Lots.

For parking lots adjacent to residentially zoned property a Buffer Strip shall apply.

3. Material Replacement and Time Frame.

   All new landscaped areas shall be installed within six (6) months after the occupancy or use of the building or premises. Dead plants materials shall be replaced in a timely fashion with living plant material and shall have the same quality and quantity of the initially approved landscaping.

4. Maintenance.

   All landscaping shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition. Landscaped areas shall be covered with either grass and/or other types of ground cover located beneath and surrounding the trees and shrubs.

5. Areas Near Off-Street Parking.

   Landscaped areas within and immediately adjacent to an off-street parking or loading area shall be protected from encroachment of motor vehicles by placing, along the entire perimeter of the landscaped area a six (6) inch concrete curb or other curbing material approved by the Planning Commission.

6. Buffer Strips.

   In situations where a nonresidential use is constructed on a commercial or industrial zoned lot, and said lot is located adjacent to a residentially zoned lot, then the developer of the nonresidential use shall provide the following screening within the required rear and/or side yard building setback areas:

   (a) A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than twenty (20) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

   (b) In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of eight (8) feet.

(c) The use of earth sculpting or berms may be allowed in place of fencing provided they are designed to provide the same screening effect and are designed. to avoid erosion, drainage or maintenance problems. (Ord. #2009-891, May 2009)

4.1000 PLOT PLAN REQUIREMENTS.

The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identify in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular types of development proposals, to the Mount Pleasant Municipal-Regional Planning Commission (hereafter referred to as the planning commission), in accordance with the following procedures:

4.1001 Proposals for the construction or location of a single principal structure on a lot (with the exception of single-family, two-family and three-family dwellings) shall be submitted to a scale no smaller than 1"=100' and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, and landscape treatment, in accordance with General Provisions previously outlined in this ordinance.

4.1002 Proposals for group housing developments, including mobile home parks, and for planned shopping centers shall follow separate provisions subsequently outlined in this ordinance.

4.1003 The above applications must be supported by any other information of data as might be deemed necessary by the planning commission.

4.1100 FLOODWAY FRINGE AREA REQUIREMENTS. (Ord. #81-641, June 1981, as deleted by Ord. #87-____, Feb. 1988)

4.1200 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS.

Standards for Telephone, Telegraph, and Communications Transmitter Towers. All transmitter towers and operating equipment shall adhere to the following standards:

A. All towers constructed shall be the principal use on the property that they are located on. No parcel shall be used for the purpose of constructing a tower that does not meet minimum lot size requirements for the zoning district.

B. Any new tower constructed shall be capable of supporting co-locations by other Tele-communication users. Each application for a new tower must be accompanied by written certification that there is existing tower capability of supporting a co-location in the area.

C. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991 utilizing a wind rating of eighty (80) miles per hour plus ice loading for Mount Pleasant, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.

D. Each application for a new tower shall include written technical information that the tower will not interfere with public safety, communications or disrupt the transmission or reception of radio, television or other communications of adjacent residential and non-residential uses.

E. A site plan in compliance with section 4.1000 shall be approved by the Planning Commission prior to submission to the Board of Zoning Appeals for approval of the use.

F. All applications for new towers are required to have approval as a "Special Exception" by the Board of Zoning Appeals prior to any permit being issued for construction.

G. All towers shall be set back from all property lines by a distance that is equal to:

1. For a guyed tower, fifty (50) percent of the height, and
2. For a self-supporting tower, equal to the height of the tower.

H. All applications for permits to build towers in Mount Pleasant must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.

I. The entire area containing the tower, equipment and any guyed supports shall be enclosed with a fence no shorter than six (6) feet in height. Access gates to the site will be locked at all times when the site is not occupied.

J. Where the tower site abuts or is contiguous to any Residential Zoned District, there shall be provided a continuous, solid screening around the fenced area of the site and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.

K. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration. Towers not requiring marking or lighting shall have an exterior finish, which enhances compatibility with adjacent land use as approved by the Board of Appeals.

L. The tower owner is responsible for maintaining the grounds, landscaping and all structures on the tower site in a manner acceptable to the City of Mount Pleasant, Tennessee.

M. In the event that the tower owner decides to discontinue operation of the tower or equipment, the owner shall notify the City of Mount Pleasant, Tennessee in writing when the use shall be discontinued. Unless the owner will maintain the discontinued tower site, the tower and all accessory structures are to be removed within nine (9) months. (Ord. #2003-834, May 2003)

4.1300 FENCING

All fencing shall:

4.1301 Be oriented so that the finished side of the fence faces adjoining properties or the public right-of-way;

4.1302 Be made of permanent durable materials. Fences made of plywood, slabwood, plastic sheeting, cloth and similar nondurable materials are expressly prohibited; and

4.1303 Be maintained in a safe, structurally sound and upright condition. Fences that are broken, rotten or structurally unsound shall be repaired. Conditions of disrepair include, but are not limited to, leaning fences, fences that are missing slats, parts or blocks, breaks, rot, cracking, or other broken, damaged or removed material. (as added by Ord. #2011-923, April 2011)

ARTICLE V

ESTABLISHMENT OF ZONING DISTRICTS

SECTION

5.100 Classification of Districts
5.200 Zoning Map
5.300 Zoning District Boundaries
5.400 Where Lots Are Divided by Zoning
5.500 Zoning of Annexed Land

5.100 CLASSIFICATION OF DISTRICTS.

For the purpose of this ordinance the following zoning districts are hereby established in the City of Mount Pleasant, Tennessee:

Zoning District	District Abbreviation
Agricultural	AG
Large Lot Residential	RL
Single Family Residential	RS
General Residential (Duplexes)	RG-1
General Residential (Medium Density)	RG-2
General Residential (High Density)	RG-3
Neighborhood Commercial	C-1
Central Business District	C-2
General Commercial	C-3
Planned Shopping Centers	C-4
Restrictive Light Manufacturing	LM
Light Manufacturing	M-1
Heavy Manufacturing	M-2
Floodplain Zone	FP

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

5.200 ZONING MAP.

The boundaries of districts established by this ordinance are shown on the official maps which are hereby incorporated into the provisions of this ordinance. The zoning map in its entirety including all amendments shall be as much a part of this ordinance as if fully set forth and described herein. This map is on file in the office of the city recorder.

5.300 ZONING DISTRICT BOUNDARIES.

Unless otherwise indicated on the map, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel to a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Mount Pleasant Board of Zoning Appeals.

5.400 WHERE LOTS ARE DIVIDED BY ZONING.

Where a district boundary divides a lot, which existed at the time this ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

5.500 ZONING OF ANNEXED LAND.

Upon annexation of land by Mount Pleasant if said land is not already zoned, said land shall be zoned automatically "Agricultural, AG" until such time as all or any portion of such land is rezoned by amendment (Article XIII). But if zoned under the provision of a regional zoning ordinance, said land shall retain its established zone.

ARTICLE VI

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

SECTION

6.100 AG--Agricultural District
6.200 RL--Large Lot Residential Districts
6.300 RS--Single Family Residential Districts
6.400 RG-1--General Residential District (Duplexes)
6.500 RG-2--General Residential District (Medium Density)
6.600 RG-3--General Residential District (High Density)

6.100 AG--AGRICULTURAL DISTRICT.

This district is intended to preserve the rural character of annexed land on the fringe of the city, specifically allowing agricultural purposes and those buildings necessary to support those purposes and low density residential development on lots of sufficient size to provide necessary services. (5 Acre Minimum) This district may include areas and lands not suitable for development due to limitations of soil, geology or topography. This district will include community facilities, public utilities and open uses which specifically serve the residents of the district. Facilities which are enhanced by an open environment and which do not deter from the overall rural character of the district are also included.

6.101 Permitted Principal Uses and Structures.

6.101.1 Single family detached dwelling units.

6.101.2 Community Facilities.

6.101.3 Agricultural Activities.

6.101.301 Crop and Animal Raising

6.101.302 Plant Nursery

6.102 Permitted Accessory Uses and Structures.

6.102.1 Living quarters of persons regularly employed on the premises.

6.102.2 Private barns, stable, shed, and other farm buildings.

6.102.3 Private garages and parking areas.

6.102.4 Signs in compliance with Section II of Article IV.

6.102.5 Accessory uses or structures customarily incidental to the above permitted uses.

6.102.6 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.102.7 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.103 Special Exceptions.

Subject to appropriate conditions and safeguards, the Planning Commission may permit special exceptions in order to preserve and protect the character of the district. Site plan review will be required for the following special exceptions.

a. Churches
b. Schools
c. Parks
d. Cemeteries

6.104 Prohibited Uses and Structures.

Uses not specifically permitted, permitted on appeal or permitted by implication.

Mobile homes and mobile home parks. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.105 Minimum Lot Requirements and Density Requirements.

Lot Area . . . . . 5 acres
Lot Width . . . . . 200 feet
Density . . . . . .2 dwelling units per acre

NOTE: All barns, sheds or other buildings used exclusively for agricultural purposes shall be exempt from these regulations.

6.106 Minimum Yard Requirements.

Front 150
Side 60
Rear 80

6.107 Maximum Lot Coverage.

20 percent

6.108 Maximum Height.

No structure shall exceed two and one-half (2 ½) stories, thirty-five (35) feet, with the exception of farm silos.

6.200 RL--LARGE LOT RESIDENTIAL DISTRICTS.

These districts are intended to be single-family residential areas with very low densities. Only certain structures and uses other than residential dwellings are permissible as special exceptions within such districts in order to preserve and protect their single-family residential character and to provide a density zone between those required by the Agricultural and RS Zones.

6.201 Permitted Principal Uses and Structures.

6.201.1 Single-family detached dwellings. (Ord. #81-641, as amended by Ord. #84-655, Feb. 1984)

6.202 Permitted Accessory Uses and Structures

Uses and structures which:

6.202.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

6.202.2 Do not involve the conduct of business on the premises.

6.202.3 Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

6.202.4 Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.

6.202.5 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.202.6 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.203 Special Exceptions.

6.203.1 Churches.

6.203.2 Country Clubs.

6.203.3 Public Parks, playgrounds which are in keeping with the residential character of the neighborhood.

6.203.4 Schools.

6.203.5 Other uses which the Board of Zoning Appeals may permit subject to appropriate conditions and safeguards, in order to preserve and protect the character of the district.

6.203.6 All special exceptions require site plan review by the Planning Commission before issuance of a Building Permit.

6.204 Prohibited Uses and Structures.

6.204.1 Home businesses of any type.

6.204.2 All other uses not specifically permitted, permitted on appeal or permitted by implication.

6.204.3 Mobile homes and mobile home parks. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.205 Minimum Lot Requirements and Density Requirements

Lot Area . . . . . 15,000 square feet
Lot Width . . . . . 100 feet
Density . . . . . 2.5 Dwelling units per acre

6.206 Minimum Yard Requirements

Residences: Front 40
Side 20
Rear 20

6.206.2 All other permissible structures as for residences unless otherwise specified by this ordinance.

6.207 Maximum Lot Coverage.

Thirty-three percent (33%).

6.208 Maximum Height.

No portion shall exceed two and one-half (2 ½) stories or thirty five (35) feet.

6.209 Minimum Off-Street Parking and Loading Requirements.

6.209.1 Single-family dwellings--fifteen (1.5) spaces.

6.209.2 Special Exceptions permissible by the Board of Zoning Appeals to be determined by general rule or by findings in the particular case.

6.209.3 Churches--fifteen (1.5) spaces for each 5 seats in auditorium.

6.210 Permitted Signs.

No signs intended to be read from off the premises shall be permitted except:

1. In connection with a church, playground or playfield:

(a) Not more than two (2) identification signs, with combined surface area not exceeding twenty (20) square feet.

(b) Not more than two (2) bulletin or notice boards with combined surface area not exceeding thirty (30) square feet.

2. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding four (4) square feet are permitted.

No such sign shall be erected within ten (10) feet of any adjacent residential property line. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.300 RS--SINGLE FAMILY RESIDENTIAL DISTRICTS.

These districts are intended to be single-family residential areas with low population densities. Certain structures and uses required to serve governmental, and other immediate needs of such areas are permitted outright or are permissible as special exceptions within such districts, subject to restrictions and requirements intended to preserve and protect their single-family residential character.

6.301 Permitted Principal Uses and Structures.

6.301.1 Single-family detached dwellings. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.301.2 Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.

6.301.3 Churches.

6.301.4 Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

6.302 Permitted Accessory Uses and Structures.

Uses and structures which:

6.302.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

6.302.2 Do not involve the conduct of business on the premises.

6.302.3 Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

6.302.4 Are not of a nature likely to attract visitors in larger number than would normally be expected in a residential neighborhood.

6.302.5 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.302.6 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

Professional offices are permitted as accessory uses in homes in this district, provided that they meet the above requirements, and further provided that there is no sign, notice, or other external evidence of the existence of such offices.

Noncommercial greenhouses and plan nurseries, servants' quarters not for rent, private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools, and the like are permitted as accessory uses or structures in this district.

6.303 Special Exceptions.

Subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit special exceptions in order to preserve and protect the character of the district.

6.303.1 Private day nurseries and kindergartens, provided:

(a) Total lot area shall not be less than fifteen thousand (15,000) square feet.

(b) A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet additional for each additional child.

(c) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.

(d) A screening (either vegetative or masonry wall) shall be provided between fenced play areas and residential lot lines in such locations as the board may direct.

(e) All outdoor play activities shall be conducted within the fenced play area.

(f) In addition to the requirements above, the facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Public Welfare.

6.303.2 Hospitals, provided that such facility shall have a lot area of not less than five (5) acres, and that no building in connection with such facility shall be closer than thirty (30) feet to the lot line of any adjacent property.

6.303.3 Cemeteries.

6.303.4 Temporary structures and operations in connection with, and on the site of, building or land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials, and the like, provided that no such permit shall be for a period of more than six (6) months, renewable by the Board for periods of not more than six (6) months.

5.303.5 Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

(a) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.

(b) A screening (either vegetative masonry) shall be provided along edges of portions of such lots adjoining residential property as the Board may direct.

(c) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.

(d) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the Board may impose greater limitations.

(e) There shall be no sales or service activity on such lots.

6.304 Prohibited Uses and Structures.

Trade or service establishments or storage in connection with such establishments, storage or long-term parking of commercial or industrial vehicles, storage of building materials, except in connection with active construction activities on the premises, mobile home parks, mobile homes, outdoor advertising, any use of structure not specifically or provisionally permitted herein, and any use or structure which the Board of Zoning Appeals, upon appeal and after investigations of similar uses or structures elsewhere, shall determine to be potentially noxious, dangerous or offensive to residents of the district by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or likely for other reasons to be incompatible with the character of the district.

6.305 Minimum Lot Requirements and Density Requirements.

(a) With sewer and water connection:

Lot Area -- 10,000 square feet
Lot Width -- 80 feet
Density -- 4.3 Dwelling Units per acre

(b) Without sewer and water connections:

Lot Area -- 15,000 square feet
Lot Width -- 100 feet
Density -- 2.5 Dwelling Units per acre

6.306 Minimum Yard Requirements.

Residences:	Front --	35 feet
	Side --	15 feet
	Rear --	20 feet

Other permitted or permissible structures as for residences unless otherwise specified.

6.307 Maximum Lot Coverage.

Single-family dwellings and accessory building . . . . . 30 percent
Other permitted or permissible buildings . . . . . 25 percent

6.308 Maximum Height.

No portion shall exceed: two and one-half (2 ½) stories, thirty-five (35) feet.

6.309 Minimum Off-Street Parking and Loading Requirements.

a. Single-family dwellings: two (2) spaces.

b. Schools:

6.310 Limitations on Signs.

No signs intended to be read from off the premise shall be permitted except:

a. In connection with a church, school-public park, play ground or playfield, or a municipal or neighborhood building:

(1) No more than two (2) identification signs, with combined surface area not exceeding twenty (20) square feet.

(2) Not more than two (2) bulletin or notice boards with combined surface area not exceeding thirty (30) square feet.

b. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding four (4) square feet are permitted.

No such sign shall be erected within ten (10) feet of any adjacent residential property line.

6.400 RG1--GENERAL RESIDENTIAL DISTRICT.

These districts are intended to be low to medium density residential areas permitting single-family and two-family residences and also related uses in keeping with the residential character of the district.

6.401 Permitted Principal Uses and Structures.

6.401.1 Single-family detached dwellings. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.401.2 Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.

6.401.3 Churches.

6.401.4 Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

6.401.5 Two family dwellings (duplexes).

6.401.6 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.401.7 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.402 Permitted Accessory Uses and Structures.

Uses and structures which:

6.402.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

6.402.2 Do not involve the conduct of business on the premises.

6.402.3 Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

6.402.4 Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.

Professional offices are permitted as accessory uses in homes in this district, provided that they meet the above requirements, and further provided that there is no sign, notice, or other external evidence of the existence of such offices. Noncommercial greenhouses and plant nurseries, servants' quarters not for rent, private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools, and the like are permitted as accessory uses or structures in this district.

6.403 Special Exceptions.

Subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit special exceptions in order to preserve and protect the character of the district.

6.403.1 Private day nurseries and kindergartens, provided:

(a) Total lot area shall not be less than fifteen thousand (15,000) square feet.

(b) A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet additional for each additional child.

(c) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.

(d) A screening (either vegetative or masonry wall) shall be provided between fenced play areas and residential lot lines in such locations as the board may direct.

(e) All outdoor play activities shall be conducted within the fenced play area.

(f) In addition to the requirements above, the facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Public Welfare.

6.403.2 Hospitals, provided that such facility shall have a lot area of not less than five (5) acres, and that no building in connection with such facility shall be closer than thirty (30) feet to the lot line of any adjacent property.

6.403.3 Nursing Homes

6.403.4 Cemeteries

6.403.5 Temporary structures and operations in connection with, and on the site of, building or land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials, and the like, provided that no such permit shall be for a period of more than six (6) months, renewable by the Board for periods of not more than six (6) months.

6.403.6 Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

(a) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.

(b) A screening (either vegetative or masonry) shall be provided along edges or portions of such lots adjoining residential property as the Board may direct.

(c) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.

(d) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the Board may impose greater limitations.

(e) There shall be no sales or service activity on such lots.

6.403.7 The Board of Zoning Appeals may permit special exceptions, subject to appropriate conditions and safeguards.

6.404 Prohibited Uses and Structures.

Uses not specifically permitted, permitted on appeal, or permitted by implication.

Mobile homes and mobile home parks. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.405 Minimum Lot and Density Requirements.

With sewer and water

a.	Single-family detached	Lot area	10,000	square feet
		Lot width	75	feet
		Density	4.3	Dwelling Units per acre

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

b.	Duplex	Lot area	13,500	square feet
		Lot width	75	feet
		Density	6.4	Dwelling units per acre

Without public sewer

a.	Single-family	Lot area	15,000	square feet
		Lot width	75	feet
		Density	2.6	Dwelling units per acre
b.	Duplex	Lot area	15,000	square feet
		Lot width	75	feet
		Density	1.3	Dwelling units per acre

*or larger as determined by the Maury County Health Department
(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.406 Minimum Yard Requirements.

Residences:	Front	35 feet
	Side	15 feet
	Rear	20 feet

Other permitted or permissible structures: As for RS unless otherwise specified.

6.407 Maximum Lot Coverage.

Forty (40) percent.

6.408 Maximum Height.

No portion shall exceed three (3) stories or forty (40) feet.

6.409 Minimum Off-Street Parking and Loading Requirements.

As for RS, except that two (2) spaces shall be provided for each dwelling unit in a single-family or two-family residence.

6.410 Limitations on Signs.

As for RS, and in addition, in connection with a home occupation, or professional office not to exceed one (1) sign, non-illuminated, mounted flat against the wall of the building, and not exceeding two (2) square feet in area.

6.500 RG2--GENERAL RESIDENTIAL DISTRICT.

These districts are intended to be medium density residential areas permitting single-family, two-family, and multiple-family residences and related uses which are in keeping with the character of the district, and which are intended to complement the life styles of the residents, as well as preserve the amenities of the areas.

6.501 Permitted Principal Uses and Structures.

6.501.1 Single-family detached dwellings. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.501.2 Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.

6.501.3 Churches.

6.501.4 Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

6.501.5 Two family residences (duplexes).

6.501.6 Multiple family dwellings, board and lodging houses.

6.502 Permitted Accessory Uses and Structures.

Uses and structures which:

6.502.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

6.502.2 Do not involve the conduct of business on the premises.

6.502.3 Are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.

6.502.4 Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood. Noncommercial greenhouses and plant nurseries, private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools, and the like are permitted as accessory uses and structures in this district.

6.502.5 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.502.6 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.503 Special Exceptions.

Subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit special exceptions in order to preserve and protect the character of the district.

6.503.1 Private day nurseries and kindergartens, provided:

(a) Total lot area shall not be less than fifteen thousand (15,000) square feet.

(b) A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet additional for each additional child.

(c) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.

(d) A screening (either vegetative or masonry wall) shall be provided between fenced play areas and residential lot lines in such locations as the board may direct.

(e) All outdoor play activities shall be conducted within the fenced play area.

(f) In addition to the requirements above, the facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Public Welfare.

6.503.2 Hospitals, provided that such facility shall have a lot area of not less than five (5) acres, and that no building in connection with such facility shall be closer than thirty (30) feet to the lot line of any adjacent property.

6.503.3 Cemeteries.

6.503.4 Funeral Homes.

6.503.5 Temporary structures and operations in connection with, and on the site of, building or land developments, including

grading, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials, and the like, provided that no such permit shall be for a period of more than six (6) months, renewable by the board for periods of not more than six (6) months.

6.503.6 Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

(a) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.

(b) A screening (either vegetative or masonry) shall be provided along edges of portions of such lots adjoining residential property as the board may direct.

(c) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.

(d) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the board may impose greater limitations.

(e) There shall be no sales or service activity on such lots.

6.504 Prohibited Uses and Structures.

Uses not specifically permitted, permitted on appeal or permitted by implication.

Mobile homes and mobile home parks. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.505 Minimum Lot and Density Requirements.

a.	Single-family detached	Lot area	7,500	square feet
		Lot width	70	feet
		Density	5.8	Dwelling units per acre
b.	Duplex	Lot area	10,000	square feet
		Lot width	75	feet
		Density	5.8	Dwelling units per acre
c.	Multi-family-three family	Lot area	12,500	square feet
		Lot width	80	feet
		Density	14	Dwelling units per acre
d.	Four family	Lot area	14,000	square feet
		Lot width	80	feet
		Density	14	Dwelling units per acre
e.	Five family or more	Lot area	18,000	square feet
		Lot width	120	feet
		Density	21.8	Dwelling units per acre

All dwellings are required to be connected to the city water and sewer systems.

6.506 Group Housing Developments (Multi-family).

This section is intended to provide some flexibility in design and to ensure a minimum standard of site development for group housing, or other projects involving the location of three (3) or more residential structures on a single lot or tract of land, not subdivided.

6.506.1 General Location Map. Before an application is filed for a building permit, a sketch map at a scale no smaller than 1"-2,000' encompassing the proposed site shall be submitted to the planning commission for its consideration. Such map shall exhibit the following:

a. The approximate boundaries of the site.

b. External (public) access streets or roads in relation to site.

c. Surrounding development (i.e., general residential, commercial, and industrial areas) within one (1) mile of site.

d. Any public water and sewer systems in relation to site.

6.506.2 Site Plan. Subject to the planning commission's regarding the general location, a site plan at a scale no small than 1"-200' also shall be submitted to the planning commission. Such site plan shall exhibit the following:

a. Topographic contours at five (5) foot intervals, and drainage ways.

b. The location and dimensions of proposed internal streets, structures, mobile home spaces, and off-street parking spaces.

c. Points of access to public streets.

d. The location and size of available water and sewer lines.

e. The location and dimension of any easements.

6.506.3 Required Development Standards. The following shall apply:

a. Location.

1. The site shall comprise a single lot or tract of land except where divided by public streets.

2. The site shall abut a public street.

3. Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home park.

b. Dimensions.

1. The minimum front yards on a public street shall be twenty-seven (27) feet.

2. The minimum side or rear yards on a public street shall be fifteen (15) feet.

3. The minimum yards adjoining another zoning district shall be twenty-five (25) feet.

c. Design.

d. Internal Streets.

1. The minimum right-of-way width of collector streets exceeding five hundred (500) feet in length, or serving more than fifty (50) dwelling units, shall be sixty (60) feet.

2. The minimum right-of-way width of minor streets shall be fifty (50) feet.

3. The maximum grade on any street shall be ten (10) percent.

4. Where feasible, all street intersections shall be at right angles.

e. Public Street Access.

1. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.

2. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

6.506.4 Required Improvements. The following shall be required:

a. Internal Streets.

1. Streets shall be privately constructed and maintained.

2. The base of streets shall consist of crushed stone or gravel, eight (8) inches in depth, compacted.

3. The surface of streets shall consist of asphalt or better materials, two (2) inches in depth, compacted.

4. The minimum pavement width of collector streets shall be twenty-four (24) feet.

5. The minimum pavement width of minor streets shall be twenty (20) feet.

6. Closed ends of dead-in streets shall provide a vehicular turn-around at least eighty (80) feet in diameter.

b. Utilities.

1. The development shall be serviced with sanitary sewers and public water on trunk lines not less than eight (8) inches and six (6) inches, respectively.

c. Storage of Waste.

1. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

d. Service Building.

1. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

6.507 Maximum Height.

No portion shall exceed three (3) stories or forty (40) feet.

6.508 Minimum Yard Requirements.

a. Single family and Duplex --

Front	35 feet
Side	15 feet
Rear	20 feet

b. Multi-family complex--Refer to section 6.506.3b above Group Housing Development. These requirements are subject to approval by the planning commission.

6.600 RG-3--GENERAL RESIDENTIAL DISTRICT (HIGH DENSITY).

These districts are intended to be medium and high density residential areas permitting single-family, two-family and multiple family residences and modular constructed dwellings, and related uses which are in keeping with the character of the district and which are intended to compliment the life styles of the residents, as well as preserve the amenities of the areas.

6.601 Permitted Principal Uses and Structures.

6.601.1 Single-family detached dwellings. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.601.2 Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.

6.601.3 Churches.

6.601.4 Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

6.601.5 Multiple family dwellings, boarding and lodging houses.

6.601.6 Modular or prefabricated dwellings and required accessory structures.

6.601.7 Mobile home parks as provided in section 6.609 below. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.602 Permitted Accessory Uses and Structures.

Uses and Structures which:

6.602.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

6.602.2 Do not involve the conduct of business on the premises.

6.602.3 Are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.

6.602.4 Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood. Non-commercial green houses and plant nurseries, private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools, and the like are permitted as accessory uses and structures in this district.

6.602.5 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.602.6 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.603 Special Exceptions

Subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit special exceptions in order to preserve and protect the character of the district.

6.603.1 Private day nurseries and kindergartens, provided:

a. Total lot area shall not be less than fifteen thousand (15,000) square feet.

b. A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first

twenty (20) or less children with two hundred (200) square feet additional for each additional child.

c. No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.

d. A screening (either vegetative or masonry wall) shall be provided between fenced play areas and residential lot lines in such locations as the board may direct.

e. All outdoor play activities shall be conducted within the fenced play area.

f. In addition to the requirements above, the facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Public Welfare.

6.603.2 Hospitals, provided that such facility shall have a lot area of not less than five (5) acres, and that no building in connection with such facility shall be closer than thirty (30) feet to the lot line of any adjacent property.

6.603.3 Cemeteries.

6.603.4 Funeral Homes.

6.603.5 Temporary structures and operations in connection with, and on the site of, building or land developments, including grading, paving installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials, and the like, provided that no such permit shall be for a period of more than six (6) months, renewable by the board for period of not more than six (6) months.

There this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

(a) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.

(b) A screening (either vegetative or masonry) shall be provided along edges of portions of such lots adjoining residential property as the board may direct.

(c) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.

(d) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the board may impose greater limitations.

(e) There shall be no sales or services activity on such lots.

6.604 Prohibited Uses and Structures.

Any use not specifically permitted or by appeal to the Board of Zoning Appeals.

6.605 Minimum Lot and Density Requirements.

a.	Single-family detached	Lot area	7,000	square feet
		Lot width	60	feet
		Density	6.2	Dwelling Units per acre (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)
b.	Duplex	Lot area	7,000	square feet
		Lot width	75	feet
		Density	12.4	Dwelling units per acre

c.	Multi-family-three family	Lot area	10,500	square feet
		Lot width	80	feet
		Density	14	Dwelling units per acre
d.	Four family	Lot area	14,000	square feet
		Lot width	100	feet
		Density	14	Dwelling units per acre
e.	Five or more families	Lot area	18,000	square feet
		Lot width	120	feet
		Density	21.8	Dwelling units per acre

f. As required for Mobile Home Parks in section 6.609. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.606 Minimum yard requirements.

For all residential development within this district:

Front yard . . . . . 27 feet
Side yard . . . . . 15 feet
Rear yard . . . . . 15 feet

Minimum yard adjoining another district 25. Refer to Group Housing Developments, section 6.506.

6.607 Maximum Building Height.

No portions hall exceed three (3) stories or forty (40) feet. All buildings above two and one-half (2 ½) stories require permission from the Board of Zoning Appeals as Special Exception.

6.608 Group Housing Developments (Multi-family).

This section is intended to provide a maximum flexibility in design and to ensure a minimum standard of site development from group housing, mobile home units or other projects involving the location of two (2) or more residential structures on a single lot or tract of land, not subdivided.

6.608.1 General Location Map. Before an application is filed for a building permit, a sketch map at a scale no smaller than 1"-2,000' encompassing the proposed site shall be submitted

to the planning commission for its consideration. Such map shall exhibit the following:

a. The approximate boundaries of the site.

b. External (public) access streets or roads in relation to site.

c. Surrounding development (i.e., general residential, commercial, and industrial areas) within one (1) mile of site.

d. Any public water and sewer systems in relation to site.

6.608.2 Site Plan. Subject to the planning commission's recommendation regarding the general location, a site plan at a scale no smaller than 1"=200' also shall be submitted to the planning commission. Such site plan shall exhibit the following:

a. Topographic contours at five (5) foot intervals, and drainage ways.

b. The location and dimensions of proposed internal streets, structures, mobile home spaces, and off-street parking spaces.

c. Points of access to public streets.

d. The location and size of available water and sewer lines.

e. The location and dimension of any easements. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.608.3 Required Development Standards. The following shall apply:

a. Location.

1. The site shall comprise a single lot or tract of land except where divided by public streets.

2. The site shall abut a public street.

3. Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home park.

b. Dimensions.

1. The minimum front yards on a public street shall be twenty-seven (27) feet.

2. The minimum side or rear yards on a public street shall be fifteen (15) feet.

3. The minimum yards adjoining another zoning district shall be twenty-five (25) feet.

c. Design.

d. Internal Streets.

1. The minimum right-of-way width of collector streets exceeding five hundred (500) feet in length, or serving more than fifty (50) dwelling units, shall be sixty (60) feet.

2. The minimum right-of-way width of minor streets shall be fifty (50) feet.

3. The maximum grade on any street shall be ten (10) percent.

4. Where feasible, all street intersections shall be at right angles.

e. Public Street Access.

1. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.

2. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

6.608.4 Required Improvements. The following shall be required:

a. Internal Streets.

1. Streets shall be privately constructed and maintained.

2. The base of streets shall consist of crushed stone or gravel eight (8) inches in depth, compacted.

3. The surface of streets shall consist of asphalt or better materials, two (2) inches in depth, compacted.

4. The minimum pavement width of collector streets shall be twenty-four (24) feet.

5. The minimum pavement width of minor streets shall be twenty (20) feet.

6. Closed ends of dead end streets shall provide a vehicular turn-around at least eighty (80) feet in diameter.

b. Utilities.

1. The development shall be serviced with sanitary sewers and public water on trunk lines not less than eight (8) inches and six (6) inches, respectively.

c. Storage of Waste.

1. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

d. Service Building.

1. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

6.609 Development Standards for Mobile Home Parks.

The following land development standards shall apply for all mobile home parks:

A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.

B. Condition of soil, ground water level, drainage and topography shall not create hazard to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion shall be used for any purpose which would expose persons or property to hazards. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.609.1 Density.

The number of mobile homes permitted within any mobile home park shall be determined as follows:

From the gross acreage located within the site of the mobile home park shall be subtracted:

(1) any portion lying within a flood district;
(2) any portion exceeding 15% in slope;
(3) 10% of the remainder for streets.

6.609.2 Dimensional Requirement for Parks.

1. Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.

2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.

3. In instances where side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.

4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum

size of twenty (20) square feet. Said sign(s) shall contain thereon only the name or address of the park and may be lighted in indirect lighting only.

6.609.3 Dimensional Requirements for Mobile Home Spaces.

A. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers. A space for a double-wide mobile home shall be fifty (50) feet wide.

B. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.

C. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.

D. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space. Other off-street parking bays may be provided.

E. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel, and shall be paved with an impervious surface.

F. The minimum lot area per mobile home space with public water and sewer shall be thirty six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

G. Each stand shall comply with "The Tennessee Mobile Home Anchoring Act," Tennessee Code Annotated,§§ 68-45-101 through 111, and the FHA "Minimum Property Standards for Mobile Home Parks," 1967.

6.609.4 Utilities and Other Services.

A. Water and Distribution System.

Each mobile home development shall be served by a public water supply which has been approved by the Tennessee Department of Public Health. The trunk line serving each development shall be not less than six (6) inches in diameter.

B. Sewage Disposal.

Each mobile home park shall be served by public sewer with service provided at each trailer site.

C. Solid Waste Disposal System.

Solid waste collection stands shall be provided for waste containers for each mobile home. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and containers from deterioration, and to facilitate cleaning around them. Any central waste containers shall be screened from view with access appropriately provided.

D. Utilities Connections.

All wiring for electric, telephone, cable and other similar services shall be underground.

E. Service Buildings.

Service buildings housing sanitation and laundry facilities, where provided, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installation, and plumbing systems.

F. Fire Protection.

Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a two (2) hour duration.

G. Insect and Rodent Control.

Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

6.609.5 General Requirements.

A. Roads within the mobile home park shall be paved to a width of not less than twenty-four (24) feet in accordance with the procedures and standards for minor residential streets as specified in the Mount Pleasant Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

B. All mobile home spaces within the park shall abut the access road as described in subsection A of this section.

C. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.

D. Cabanas, travel trailers, and other similar enclosed structures are prohibited.

E. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

F. No inoperative automobiles, junk or noncontained trash shall be allowed within the park.

G. A landscape buffer as defined in this ordinance shall be provided along the perimeter of the site boundaries not less than ten (10) feet in width, except that a minimum buffer area from any public street shall be not less than fifteen (15) feet.

Within the landscaped buffer a continuous fence at least four (4) feet high shall also be provided. No landscaped screen or fence shall be placed within fifteen (15) feet of any vehicular entrance and/or exit to the park.

6.609.6 Plans and Schedules Require. The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.

2. The location and size of all buildings, improvements, and facilities constructed or to be constructed, within the mobile home park.

3. The proposed use of buildings shown on the site plan.

4. The location and size of all mobile home spaces.

5. The location of all points of entry and exits for motor vehicles and the internal circulation.

6. The location of all off-street parking facilities.

7. The location of park and recreation areas.

8. The name and address of the applicant.

9. Such other architectural, engineering, and topographic data as may be required to permit the local health department, the Mount Pleasant Building Inspector, staff planner, and the Planning Commission to determine if the provisions of the regulations are being complied with shall be submitted with the site plan.

10. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

6.609.7 Responsibilities of Park Management.

A. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.

C. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Inspector which includes securing its stability to anchor pins and installing all utility connections.

D. The permittee shall maintain a register containing the following information:

(a) The name and address of each mobile home occupant;

(b) The name and address of the owner of each mobile home and motor vehicle by which it was towed;

(c) The make, year, and license number of each mobile home and motor vehicle;

(d) The date or arrival and or departure of each mobile home.

E. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

F. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

G. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

H. The permit to operate shall be conspicuously posted in the mobile home park office at all times.

I. The permittee shall be answerable for the violation of any provisions of this section.

6.609.8 Responsibilities of Park Occupants.

A. The park occupant shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.

C. Skirtings, awnings, and other additions shall be installed only if approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath the mobile home shall not be used for storage.

D. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodentproof, insectproof, and water-tight.

E. Fire extinguishers shall be kept at the premises and maintained in working condition.

F. All park occupants shall be required to register their pets (dogs or cats) with the park management.

G. All park occupants shall be required to have their pets (dogs or cats) on a leash and pets shall not be allowed to roam free and unleashed.

H. Park occupants shall not be allowed to construct or place pens for animals on the park premises.

6.609.9 Inspections.

The Building Inspector is hereby authorized and directed to make semi-annual inspections to determine the condition of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

The Building Inspector shall have the power to enter upon any private and public property for the purpose of inspecting and

investigating conditions relating to the semi-annual inspection as it relates to the enforcement of section 6.609.8 and 6.609.9 of this article.

6.609.10 Noncomplying Regulations.

Within one (1) year from the effective date of this ordinance any existing mobile home park located within the Mount Pleasant corporate limits shall comply with those sections of this ordinance listed below.

Site conditions	6.609.-B
Anchoring	6.609.3-G, 6.609.8-B
Water Supply	6.604.4-A
Sewage Disposal	6.604.4.-B
Solid Waste Disposal System	6.604.4-C
Insect and Rodent Control	6.604.4-F
Fire Protection	6.604.4-E
Junk	6.609.5-F

No variance shall be granted from these provisions, as compliance is essential to the public health, safety and welfare.

Upon annexation of any territory into the corporate limits of Mount Pleasant, any existing mobile home park shall within one (1) year from the effective date of the annexation ordinance, comply with the provisions of this section listed below.

Site conditions	6.609.-B
Anchoring	6.609.3-G, 6.609.8-B
Water Supply	6.604.4-A
Sewage Disposal	6.604.4.-B
Solid Waste Disposal System	6.604.4-C
Insect and Rodent Control	6.604.4-F
Fire Protection	6.604.4-E
Junk	6.609.5-F

No variance shall be granted from these provisions, as compliance is essential to the public health, safety and welfare.

6.609.11 Application for Mobile Home Park Building Permit.

An application for a permit to develop and construct a mobile home park shall be filed with the Building Inspector and shall be accompanied by all site plans, schedules, and other information

therein required. Said application shall be processed in the following manner:

A. The written application, plans, and schedule, herein required, and a statement of approval of the proposed sewage disposal system from the Maury County Health Department will be submitted to the Mount Pleasant Building Inspector and staff planner. The building inspector and staff planner shall duly review these materials and shall coordinate the review with other affected agencies and departments.

B. The Mount Pleasant Building Inspector and staff planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

ARTICLE VII

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

SECTION

7.100 C-1 Neighborhood Commercial District
7.200 C-2 Central Business District
7.300 C-3 General Commercial District
7.400 C-4 Planned Shopping Center District

7.100 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

Districts in this category are intended to serve the daily needs of the neighborhoods in which they are located.

7.101 Permitted Principal Uses and Structures.

7.101.1 Retail stores.

7.101.2 Offices, studios, clinics and laboratories.

7.101.3 Financial institutions.

7.101.4 Eating and drinking establishments.

7.101.5 Establishments offering repair services on items brought in by customers.

7.101.6 Amusement and recreation establishments.

7.101.7 Churches.

7.101.8 Filling stations.

7.101.9 Veterinary establishments, provided that all animals shall be kept inside soundproof air-conditioned buildings.

7.102 Permitted Accessory Uses and Structures.

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures

and are not of a nature prohibited under "Prohibited Uses and Structures."

7.103 Special Exceptions.

7.103.1 Hospitals.

7.104 Prohibited Uses and Structures.

Single-family, two-family dwellings and mobile homes except where one (1) of the above dwellings burns or is destroyed by other disaster and reconstruction of said dwelling starts within twelve (12) months of said fire or other disaster. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

7.104.1 Employment of more than ten (10) persons in manufacturing of goods for sale at retail on the premises or in processing products in personal service establishments.

7.104.2 Employment of more than ten (10) persons in manufacturing of goods for sale at retail on the premises or in processing products in personal service establishments.

7.104.3 Yards for storage of new or used building materials, or for any scrap or salvage operations, or for storage or display of any scrap, salvaged or second-hand materials.

7.104.4 Truck terminals, storage warehouses.

7.104.5 Bulk petroleum products storage and distribution.

7.104.6 All uses and structures not of a nature specifically or provisionally permitted herein, and any use which the Board of Zoning Appeals, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or likely for other reasons to be incompatible with the character of the district.

7.105 Minimum Lot Requirements.

5,000 square feet.

7.106 Minimum Yard Requirements.

Front--twenty-five (25) feet. If a building or buildings on an adjacent lot or lots provide front yards less than twenty-five (25) feet in depth, a front yard equal to the average of adjacent front yards shall be provided.

7.106.1 Side--Ten (10) feet.

7.106.2 Rear--Ten (10) feet.

7.107 Maximum Lot Coverage.

Sixty (60) percent.

7.108 Maximum Height.

No portion shall exceed three (3) stories forty (40) feet.

7.109 Minimum Off-Street Parking Requirements. See section 4.700

7.110 Permitted signs. See section 4.800.

7.200 C-2 CENTRAL BUSINESS DISTRICT.

This district is the focal point of commercial activity as presently developed. It is intended to protect and improve this district for the performance of this primary function, and to discourage uses not requiring a central location.

7.201 Permitted Principal Uses and Structures.

7.201.1 Retail stores, sales and display rooms and shops.

7.201.2 Offices.

7.201.3 Hotels and motels.

7.201.4 Financial institutions.

7.201.5 Personal service establishments.

7.201.6 Business service establishments.

7.201.7 Amusement and recreation establishments.

7.201.8 Business schools, studios, vocational schools not involving processes of industrial nature.

7.201.9 Clubs and lodges.

7.201.10 Churches.

7.201.11 Public buildings.

7.201.12 Parking lots and parking garages.

7.201.13 Filling stations.

7.202 Permitted Accessory Uses and Structures.

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."

7.203 Special Exceptions.

7.204 Prohibited Uses and Structures.

7.204.1 Manufacturing, except for production of products for sale at retail on the premises.

7.204.2 Warehousing, and storage except as accessory to a permitted principal use.

7.204.3 Sales, service, display or storage of goods except in completely enclosed buildings.

7.204.4 All uses and structures not of a nature specifically permitted herein.

7.204.5 Any use which the Board of Zoning Appeals, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of

fire or explosion, or likely for other reasons to be incompatible with the character of the district.

7.204.6 Mobile Homes. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

7.205 Minimum Lot Requirements (Area and Width).

None.

7.206 Minimum Yard Requirements.

None.

7.207 Maximum Lot Coverage.

Unrestricted.

7.208 Maximum Height.

*No portion shall exceed three (3) stories, forty (40) feet.

7.209 Minimum Off-Street Parking and Loading Requirements.

None.

7.210 Limitations on Signs.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises are prohibited. See section 4.800.

7.300 C-3 GENERAL COMMERCIAL DISTRICT.

Districts in this category are intended to include areas along streets carrying large volumes of traffic where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. In addition, due to the existing land use pattern, light manufacturing uses may be permitted as special exceptions, subject to restrictions and requirements intended to preserve and protect the character of the district.

7.301.1 Permitted Principal Uses and Structures.

7.301.2 Retail Stores.

7.301.3 Offices, studios, clinics and laboratories.

7.301.4 Financial institutions.

7.301.5 Eating and drinking establishments.

7.301.6 Establishments offering repair services on items brought in by customers.

7.301.7 Amusement and recreation establishments.

7.301.8 Churches.

7.301.9 Filling stations.

7.301.10 Veterinary establishments, provided that all animals shall be kept inside soundproof air-conditioned buildings.

7.301.11 Tourist and lodging homes.

7.301.12 Wholesaling, warehousing, storage, supply and distribution not involving outdoor storage lots and yards.

7.301.13 Service and repair establishments including automobile repair garages.

7.301.14 Veterinary establishments, provided that all animals shall be kept inside soundproof, air-conditioned buildings.

7.302 Permitted Accessory Uses and Structures.

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."

7.303 Special Exceptions.

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as special exceptions.

7.303.1 Outdoor storage lots and yards (except for storage, processing, display or sale of salvaged materials), with provisions to protect uses and structures not on the premises from adverse effects.

7.303.2 Truck terminals.

7.303.3 Light Manufacturing and processing with provisions to protect uses and structures not on the premises from adverse effects.

7.303.4 Multiple-family dwelling units with requirements as provided in section 6.506 "Group Housing Developments" and set forth below.

7.303.5 Private day nurseries, and kindergartens, provided:

a. Total lot area shall not be less than fifteen thousand (15,000) square feet.

b. A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet additional for each additional child.

c. No portion of the fenced play area shall be closer than ten feet (10') to any lot line, nor closer than fifty feet (50') to any public street.

d. A screening (either vegetative or masonry wall) shall be provided between fenced play areas and any lot line in such locations as the board may direct.

e. All outdoor play activities shall be conducted within the fenced play area.

f. In addition to the requirements above, the facilities, operation and maintenance shall meet the

requirements of the Tennessee Department of Public Health. (as amended by Ord. #2012-940, Feb. 2012)

7.304 Prohibited Uses and Structures.

Dwelling units except as provided under "Permitted Accessory Uses and Structures" and "Special Exceptions." (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

1. Mobile homes.

2. Junk yards, wrecking yards.

Any use which the Board of Zoning Appeals, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring district by reasons of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or likely for other reasons to be incompatible with the character of the district.

7.305 Minimum Lot Requirements (Area and Width).

5,000 square feet.

7.306 Minimum Yard Requirements.

Front -- 25 feet.
Side -- 10 feet.
Rear -- 10 feet.

7.307 Maximum Lot Coverage.

60 percent.

7.308 Maximum Height.

No portion shall exceed three (3) stories, forty (40) feet.

7.309 Minimum Off-Street Parking and Loading Requirements.

See section 4.700.

7.310 Limitations on Signs. See section 4.800.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises are prohibited.

7.311 Site Plan Review.

Site plan review by the Planning Commission is required for all commercial development prior to issuance of a building permit.

7.400 C-4 PLANNED SHOPPING CENTER DISTRICT.

Rezoning for C-4 Planned Shopping Centers: Land use studies indicate more than ample area and frontage for present and future commercial needs along the major thoroughfares. In addition to area and frontage considerations, however, public convenience, safety, and general welfare require that other conditions be met:

7.400.1 Each residential area should be served by commercial facilities convenient to the area.

7.400.2 The tracts on which such facilities are located should be of such size, shape and location as to enable development of well-organized commercial facilities with proper access streets, ingress and egress, off-street parking and loading space, and other requirements and amenities.

7.400.3 The character of the commercial development should be appropriate to the neighborhood and conditions and safeguards should be provided to insure that the development will enhance rather than diminish the value of surrounding residential property.

7.401 Land To Be Considered for C-4 Zoning. Two (2) types of lands will be considered for C-4 zoning:

7.401.1 Additions in depth to lands where frontage is already zoned in a manner which permits commercial developments.

7.401.2 Lands not presently zoned for commercial uses in whole or in part, in areas not now served by appropriate and convenient facilities.

7.402 Materials to be Submitted With Preliminary Applications.

In all cases, applicants for rezoning to C-4 shall submit to the Planning Commission.

7-402.1 A preliminary development plan covering the entire tract of fifty (50) to one hundred (100) feet to the inch, shall indicate topography at 2-foot contour intervals, and shall show existing streams or other significant natural features.

7.403 Processing Preliminary Applications for C-4 Rezoning.

Within thirty (30) days after a preliminary application has been filed, the planning commission shall review it for compliance with the requirements of this ordinance, shall determine whether there is adequate justification for the requested zoning change in terms of public necessity and convenience, and shall make a finding as to whether the proposed changes is in accordance with the objectives of the comprehensive plan. In the course of such review, the planning commission may suggest changes in the preliminary plan as a condition for planning commission approval.

The planning commission shall then transmit the application and the preliminary plan to the City Commission, with its recommendations as to approval, disapproval, desirable changes, and special conditions and safeguards, which recommendations may include suggested time limits within which all or specified stages of construction (or both) shall be started or completed (or both).

Before taking any action on any proposed amendment, the City Council shall hold a public hearing in compliance with Article XIII of this ordinance.

7.404 Permitted Principal Uses and Structures.

7.404.1 Supermarkets; drug stores; bakeries; meat markets; hardware; paint; wallpaper stores; camera shops; florist shops; gift shops; hobby shops; stationery shops; apparel stores; shoe stores; variety stores; jewelry stores; stores for sale of gardening supplies and equipment.

7.404.2 Eating and drinking establishments.

7.404.3 Barber shops; beauty shops; cleaning and laundry agencies, including coin operated laundry and dry-cleaning establishments; shoe repair shops; and repair establishments for household articles and appliances.

7.404.4 Offices and studios; medical and dental offices and clinics; financial institutions.

7.405 Permitted Accessory Uses and Structures.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the character of the district.

7.406 Prohibited Uses and Structures.

Signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises; outdoor advertising, repair garages; outdoor storage, mobile homes; and any use not of a nature specifically permitted above. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

7.407 Minimum Lot Requirements.

Two (2) acres.

7.408 Minimum Yard Requirements.

All yards adjacent to streets, to residentially-zoned lots, or to alleys adjacent to residential-zoned lots shall be at least twenty (20) feet in depth. Where the C-4 district abuts or adjoins residentially-zoned lots, or alleys adjacent to residentially-zoned lots, a 6-foot masonry wall or a vegetative screening shall be utilized along or across the alley from the residential side or rear yard lines.

7.409 Maximum Height of Structure.

No portion of any structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet.

7.410 Minimum Off-Street Parking and Loading Requirements.

For each one hundred (100) square feet of gross floor area in buildings, one (1) off-street parking space shall be provided. Adequate off-street loading facilities, separate from off-street parking facilities, shall be provided at the rear or side of the shopping center buildings.

7.411 Limitations on Signs.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises are prohibited. Also see section 4.800.

ARTICLE VIII

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION

8.100 LM, Restrictive Light Manufacturing
8.200 M-1, Light Manufacturing
8.300 M-2, Heavy Manufacturing
8.400 M-3, Special Impact Industrial

8.100 LM, RESTRICTIVE LIGHT MANUFACTURING.

This district is intended to provide space for a wide range of industrial and related uses which conform to a high level of performance standards and have the least objectionable characteristics. It is required that all operations of such establishments be carried on within completely enclosed buildings, thus providing a standard of development which removes most adverse characteristics that affect neighboring properties.

This district may provide a buffer between more intensive or objectionable industrial activities and other districts.

Wholesaling, light manufacturing and processing are permitted as well as complimentary community facilities and commercial establishments which provide needed services for industry. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.101 Permitted Principal Uses and Structures.

8.101.1 Light manufacturing and processing.

8.101.2 Vocational schools and trade schools involving operations of a light industrial nature.

8.101.3 Wholesaling, warehousing, storage of nonhazardous materials, supply and distribution.

8.101.4 Service and repair establishments including automobile repair garages.

8.101.5 Veterinary establishments, provided that all animals shall be kept inside soundproof, air-conditioned buildings.

8.101.6 Churches.

8.101.7 Hotels, motels, tourist and lodging homes.

8.101.8 Public buildings.

8.101.9 Parking lots.

8.101.10 Community facilities.

8.101.11 Retail stores, sales, display rooms and shops.

8.101.12 Offices, studios, clinics, laboratories.

8.101.13 Financial institutions.

8.101.14 Personal services establishments.

8.101.15 Business service establishments.

8.101.16 Clubs and lodges.

8.101.17 Filling stations.

8.101.18 Amusement and recreation establishments.

8.101.19 Eating and drinking establishments. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.102 Permitted Accessory Uses and Structures.

Accessory facilities and buildings which are customarily incidental and appurtenant to permitted structures and are not otherwise prohibited under "Prohibited Uses and Structures."

8.102.1 Incidental services such as food and beverage dispensing and sales facilities to serve employees and guests, when conducted as an integral part of the principal use and having no exterior advertising.

8.102.2 Dwelling units for occupancy only by owners or employees thereof. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.103 Special exceptions.

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.104 Prohibited Uses and Structures.

Dwelling units except as provided under "Accessory Uses and Structures," elementary schools, wrecking yards or junk yards, and bulk storage of flammable or hazardous materials.

Mobile homes. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.105 Minimum Lot Requirements, Area, Width and Density.

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.106 Minimum Yard Requirements.

Front	25 feet
Side	10 feet
Rear	20 feet

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.107 Maximum Lot Coverage.

Unrestricted. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.108 Maximum Height.

No portion shall exceed three (3) stories or forty (40) feet. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.109 Minimum Off Street Parking and Loading Requirements.

One (1) parking space for every four (4) employees; plus one (1) parking space for every business vehicle. Consideration for visitor parking is encouraged. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.110 Limitations on Signs.

None except as mentioned under accessory uses. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.111 Other Requirements.

8.111.1 Enclosure Requirements. All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.

8.111.2 Provisions Applying Along District Boundaries. In any Manufacturing District along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line.

8.111.3 Exterior Storage. Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge.

8.111.4 Surfacing of Storage Areas. All storage areas shall be surfaced to provide a durable surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.200 M-1, LIGHT MANUFACTURING.

This district is intended primarily for light manufacturing processing, storage, wholesaling distribution and also permits commercial uses. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.201 Permitted Principal Uses and Structures.

8.201.1 Offices, studios, clinics and laboratories.

8.201.2 Eating and drinking establishments.

8.201.3 Establishments offering repair services on items brought in by customers.

8.201.4 Amusement and recreation establishments.

8.201.5 Filling stations.

8.201.6 Veterinary establishments, provided that all animals shall be kept inside soundproof air-conditioned buildings.

8.201.7 Personal service establishments.

8.201.8 Public buildings.

8.201.9 Parking lots and parking garages.

8.201.10 Business schools, studios, vocational schools not involving processes of industrial nature.

8.201.11 Clubs and lodges.

8.201.12 Business service establishments.

8.201.13 Truck terminals.

8.201.14 Wholesaling, warehousing, storage, supply and distribution.

8.201.15 Service and repair establishments including automobile repair garages.

8.201.16 Light manufacturing and processing.

8.201.17 Vocational schools and trade schools involving operations of a light industrial nature. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.202 Permitted Accessory Uses and Structures.

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."

8.203 Special Exceptions.

8.203.1 Bulk storage of inflammable liquids.

8.203.2 Outdoor storage lots and yards, except wrecking yards, and junk automobile yards. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.204 Prohibited Uses and Structures.

Dwelling units except as provided under "Accessory Uses and Structures"; elementary or high schools; wrecking yards or junk yards; and all uses or structures not of a nature specifically permitted herein. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.205 Minimum Lot Requirements (Area and Width).

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.206 Minimum Yard Requirements.

Front	25 feet
Side	10 feet
Rear	20 feet

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.207 Maximum Lot Coverage.

Unrestricted. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.208 Maximum Height.

No portion shall exceed: three (3) stories, forty (40) feet, except storage facilities for raw materials and other appurtenances usually required to be placed above the roof level and not intended for human habitation subject to review of the Board of Zoning Appeals. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.209 Minimum Off-Street Parking and Loading Requirements.

One (1) parking space for every four (4) employees; plus one (1) parking space for every business vehicle. Consideration for visitor parking is

encouraged. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.210 Limitations on Signs.

No limitations, except that flashing signs are not allowed. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.211 Other Requirements.

8.211.1 Enclosure Requirements. All uses shall be conducted with completely enclosed buildings except for agriculture, parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.

8.211.2 Provisions Along District Boundaries. In any manufacturing district along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line and further, where and M-1 district abuts a residential district, the developer of the manufacturing/industrial use shall provide a buffer strip as defined herein at the point of abutment.

8.211.3 Exterior Storage. Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge.

8.211.4 Surfacing of Storage Areas. All storage areas shall be surfaced to provide a durable surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

8.300 M-2, HEAVY MANUFACTURING.

This district is intended primarily for heavy manufacturing and closely related uses. Also permitted in the district are commercial and other uses allowed in commercial districts. However, commercial uses will not be afforded the same level of protection as they would if they located in

districts primarily designed for them. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.301 Permitted Principal Uses and Structures.

8.301.1 Offices, studios, clinics and laboratories.

8.301.2 Filling stations.

8.301.3 Veterinary establishments, including outdoor pens.

8.301.4 Business schools, studios, vocational schools not involving processes of industrial nature.

8.301.5 Public buildings.

8.301.6 Parking lots and parking garages.

8.301.7 Truck terminals.

8.301.8 Wholesaling, warehousing, storage, supply and distribution.

8.301.9 Service and repair establishments including automobile repair garages.

8.301.10 Light manufacturing and processing.

8.301.11 Bulk storage of inflammable liquids or material.

8.301.12 Outdoor storage lots and yards, except wrecking yards and junk automobile yards.

8.301.13 Vocational schools and trade schools involving operations of a light industrial nature. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.302 Permitted Accessory Uses and Structures.

On the same premises as permitted principal uses and structures, and only as required for the conduct of the operation, dwelling units for owners or employees, and other uses and structures incidental and subordinate to the principal use or structure and otherwise meeting the requirements of this district. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.303 Special Exceptions.

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.304 Prohibited Uses and Structures.

Dwelling units except as provided under "Accessory and Structures," and elementary or high schools.

Mobile homes. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.305 Minimum Lot Requirements (Area and Width).

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.306 Minimum Yard Requirements.

Front	25 feet
Side	10 feet
Rear	20 feet

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.307 Maximum Lot Coverage.

Unrestricted. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.308 Maximum Height.

No portion shall exceed: Three (3) stories, forty (40) feet, except storage facilities for raw materials and other appurtenances usually required to be placed above the roof level and not intended for human habitation subject to review of the Board of Zoning Appeals. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.309 Minimum Off-Street Parking and Loading Requirements.

One (1) parking space for every four (4) employees; plus one (1) parking space for every business vehicle. Consideration for visitor parking is encouraged. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.310 Limitations on Signs.

No limitations. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.311 Other Requirements.

8.311.1 Enclosure Requirements. All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.

8.311.2 Provisions Along District Boundaries. In any manufacturing district along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line, and further, where M-2 district abuts a residential district, the developer of the manufacturing industrial use shall provide a buffer strip as defined herein at the point of abutment.

8.311.3 Exterior Storage. Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge.

8.311.4 Surfacing of Storage Areas. All storage areas shall be surfaced to provide a durable surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.400 M-3, SPECIAL IMPACT INDUSTRIAL.

A. District Description and Purpose.

This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the

location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the M-3, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause.

The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Mount Pleasant will be affected.

B. Site Location Criteria.

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.

2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.

3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.

4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.

5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.

6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.

7. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Mount Pleasant.

8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.

9. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

C. Administrative Procedure.

The provisions of this section shall govern all applications for rezoning to the M-3 Special Impact Industrial District.

1. Preliminary Review.

All applications for rezoning to the M-3, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Building Inspector in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

(1) Letter from the owner detailing the proposed zoning change.

(2) Location map of the proposed site, including size of the property.

(3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').

(4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.

(5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Mount Pleasant Major Road Plan.

(6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.

(7) A tabulation of the land areas to be devoted to all uses and activities.

(8) Ability of the site to be able to meet the Site Location Criteria in Subsection B, above, along with the General Requirements, in Subsection H, and the Requirements for Specific Uses, in Subsection 1, below, for the proposed use of the property.

b. Operational Data to Include the Following Information:

(1) Type of operation and detailed description of the operation.

(2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.

(3) Types of Federal and State permits required for operation of the proposed facility.

(4) Safety measures to be used on site as well as the system for dealing with complaints.

(5) Ultimate use and ownership of the site after completion of operation. (Landfills only.)

c. Environmental Assessments to Include the Following Information:

(1) Geological data on the site as prepared by a Tennessee licensed geologist.

(2) Effects of the proposed use on ground water quality in the area.

(3) Effects of the proposed use on air quality in the area.

(4) Potential danger to any surface water or water supply.

2. Zoning Amendment.

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the City Commission whether the proposed used should be rezoned to the M-3, Special Impact Industrial District. If the City Commission approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. Final Development Plan Review.

After approval of the rezoning by the City Commission, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan Shall Include the Following:

(1) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.

(2) Site plan to be at a scale of one inch equals two hundred feet (1"=200').

(3) Contours at vertical intervals of not more than two (2) feet where the proposed development

has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).

(4) Stages of development of the site and the expected time of completion.

(5) Copies of all required Federal and State permits the applicant has obtained.

(6) Final site plan shall be in compliance with Subsection H, I, and J, below for the proposed use of the property.

b. Site and Geological Data.

(1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.

(2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.

(3) Ground water movements and aquifer information.

(4) Existing vegetation cover on the site.

(5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted.

In the M-3, Special Impact Industrial District, the following uses are permitted:

1. Special Impact Facilities.

Arsenals

Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Hazardous Wastes
Radioactive Wastes
Solid Waste Landfills
Solid Waste Processing and Recycling
Waste Incinerators, Including Hospital and Medical Waste

E. Accessory Uses and Structures.

1. Signs in compliance with the regulations set forth in section 4.080.

2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.

3. Accessory off-street parking and loading facilities as required in section 4.070.

F. Uses Permitted as Special Exceptions.

There are no uses permitted as special exceptions in the M-3, Special Impact Industrial District.

G. Uses Prohibited.

In the M-3, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

H. General Requirements Applicable to All Uses.

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.

2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undistributed existing surfaces.

3. A chain link wire fence six (6) six feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates and shall be properly maintained until all operations are completed.

4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.

5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.

6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.

7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.

8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.

9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.

10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.

11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Health and Environment.

I. Requirements for Specific Uses.

1. Requirements for Incinerators and Atomic Reactors.

a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

b. All organic or combustible materials delivered to the site shall be burned in the incinerator.

c. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.

d. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.

e. All separation or picking of waste materials shall be conducted in an enclosed building only.

f. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

2. Requirements for the Maintenance or Storage of Explosives, Munitions or Fireworks.

   a. Any such facility shall not be located on a site having an area of less than fifty (50) acres.

   b. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

   c. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

3. Requirements for Solid Waste Landfills.

   a. All areas used for filling operations shall maintain the minimum setback as required by this section.

   b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.

   c. All separation or picking of waste materials shall be conducted in enclosed building only.

   d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.

   e. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

4. Requirements for Hazardous and Radioactive Wastes.

   a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure

used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

b. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.

c. All areas used for filling operations shall maintain the minimum setback as required by this section.

d. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

J. Dimensional Requirements.

All uses permitted in the M-3, Special Impact Industrial District, shall comply with the following requirements:

1. Minimum Lot Size.

Minimum Lot Area	10 acres
Lot Width at Building Setback	500 ft.

2. Minimum Yard Requirements.

Front Yard Setback	150 ft.
Side Yard Setback	100 ft.
except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred fifty (150) feet.	
Rear Yard Setback	100 ft.
except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that rear yard shall be one hundred fifty (150) feet.	

3. Maximum Lot Coverage.

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

4. Height Requirements.

No principal structure shall exceed forty (40) feet in height, except as provided in section 10.300.

5. Parking Space Requirements.

As regulated in, section 4.700.

6. Accessory Structures.

a. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

b. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

7. Peripheral Buffer Zone Requirements.

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and

walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

K. Performance Bond Required.

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building Inspector shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements. (Ord. #2007-868(A), May 2007)

ARTICLE IX

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

9.100 Statutory authorization, findings of fact, purpose and objectives
9.200 Definitions
9.300 General provisions
9.400 Administration
9.500 Provisions for flood hazard reduction
9.600 Variance procedures
9.700 Legal status provisions

9.100 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

9.101 Statutory Authorization.

Legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Mount Pleasant, Tennessee Board of Commissioners does find as follows:

9.102 Findings of Fact.

The City of Mount Pleasant, Tennessee Board of Commissioners wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

Areas of the City of Mount Pleasant, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

9.103 Statement of Purpose.

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

9.103.1 Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

9.103.2 Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

9.103.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

9.103.4 Control filling, grading, dredging and other development which may increase flood damage or erosion;

9.103.5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

9.104 Objectives.

The objectives of this ordinance are:

9.104.1 To protect human life, health, safety and property;

9.104.2 To minimize expenditure of public funds for costly flood control projects;

9.104.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9.104.4 To minimize prolonged business interruptions;

9.104.5 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

9.104.6 To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;

9.104.7 To ensure that potential homebuyers are notified that property is in a flood prone area;

9.104.8 To establish eligibility for participation in the NFIP. (Ord. #2006-867, Jan. 2007, as replaced by Ord. #2014-972, April 2014)

9.200 DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.

2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of special flood hazard "see "special flood hazard area."

"Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

"Basement" means any portion of a building having its floor sub grade (below ground level) on all sides.

"Building" see "structure."

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

"Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

"Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing structures" see "existing construction."

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or

an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

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

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood0related erosion control works and floodplain management regulations.

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

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered

historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on the City of Mount Pleasant, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

   a. By the approved Tennessee program as determined by the Secretary of the Interior or

   b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base flood elevations shown on a community's flood insurance rate map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year flood" see "base flood."

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck;

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, Al-30, AE or A99.

"Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, Al-30, AE, A99, or AH.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing; grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State coordinating agency" the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

"Structure" for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;

(2) Any alteration of a "historic structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988; or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #2006-867, Jan. 2007, as replaced by Ord. #2014-972, April 2014)

9.300 GENERAL PROVISIONS.

9.301 Application

This Ordinance shall apply to all areas within the incorporated area of the City of Mount Pleasant, Tennessee.

9.302 Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified on the City of Mount Pleasant, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47119C0270E, 47119C0255E, 47119C0260E, 47119C0265E, all dated April 16, 2007 along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

9.303 Requirement for development permit

A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

9.304 Compliance

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

9.305 Abrogation and greater restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance

conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

9.306 Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

9.307 Warning and disclaimer of liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Ordinance does not imply that land outside the Areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Mount Pleasant, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

9.308 Penalties for violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Mount Pleasant, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #2006-867, Jan. 2007, as replaced by Ord. #2014-72, April 2014)

9.400 ADMINISTRATION.

9.401 Designation of Ordinance Administrator

The building official hereby appointed as the administrator to implement the provisions of this ordinance.

9.402 Permit procedures

Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

9.402.1 Application stage

a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

c. A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential flood proofed building will meet the flood proofing criteria in §§ 9.501 and 9.502.

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

9.402.2 Construction stage

Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development pen-nit. When flood proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or flood proofing level upon the completion of the lowest floor or flood proofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed.

Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

9.403 Duties and responsibilities of the administrator

Duties of the administrator shall include, but not be limited to, the following:

9.403.1 Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

9.403.2 Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

9.403.3 Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior

to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

9.403.4 For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process.

9.403.5 Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

9.403.6 Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 9.402.

9.403.7 Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 9.402.

9.403.8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 9.402.

9.403.9 Where interpretation is needed as to the exact location of boundaries of 'the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

9.403.10 When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new

construction, substantial improvements, or other development in Zone A on the City of Mount Pleasant, Tennessee FIRM meet the requirements of this ordinance.

9.403.11 Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection.

9.403.12 Permits issued-under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #2006-867, Jan. 2007, as replaced by Ord. #2014-72, April 2014)

9.500 PROVISIONS FOR FLOOD HAZARD REDUCTION.

9.501 General Standards.

In all areas of special flood hazard, the following provisions are required:

9.501.1 New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

9.501.2 Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

9.501.3 New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

9.501.4 New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

9.501.5 All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering

or accumulating within the components during conditions of flooding.

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

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

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

9.501.9 Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

9.501.10 Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

9.501.11 All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

9.501.12 All subdivision proposals and other proposed new development proposals shall meet the standards of § 9.502;

9.501.13 When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

9.501.14 When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for

the most hazardous flood hazard risk zone and the highest base flood elevation.

9.502 Specific standards

In all areas of special flood hazard, the following provisions, in addition to those set forth in § 9.501, are required:

9.502.1 Residential structure

In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1' above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 9.200). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

9.502.2 Non-residential structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood proofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new

construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 9.200).

Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Non-residential buildings located in all A Zones may be flood proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 9.402.

9.502.3 Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

    1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding

    2) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

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

b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 9.502.

9.502.4 Standards for manufactured homes and recreational vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation or

2) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 9.200).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of §§ 9.501 and 9.502.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified special flood hazard area must either:

1) Be on the site for fewer than one hundred eighty (180) consecutive days;

2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

3) The recreational vehicle must meet all the requirements for new construction.

9.503 Standards for subdivisions and other pro-posed new development proposals.

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the

lesser, include within such proposals base flood elevation data (see § 9.505).

9.504 Standards for special flood hazard areas with established base flood elevations and with floodways designated

Located within the special flood hazard areas established in § 9.302, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

9.504.1 Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Mount Pleasant, Tennessee and certification, thereof.

9.504.2 New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 9.501 and 9.502.

9.505 Standards for areas of special flood hazard zones AE with established base flood elevations but without floodways designated

Located within the special flood hazard areas established in § 9.302, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

9.505.1 No encroachments, including fill material, new construction and substantial improvements shall be located within areas

of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

9.505.2 New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 9.501 and 9.502.

9.506 Standards for streams without established base flood elevations and Floodways (A Zones)

Located within the special flood hazard areas established in § 9.302, where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

9.506.1 The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see 9.502 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of §§ 9.501 and 9.502.

9.506.2 Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

9.506.3 Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or flood proofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 9.200). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 9.402. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls

shall be provided in accordance with the standards of § 9.502.

9.506.4 Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Mount Pleasant, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

9.506.5 New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 9.501 and 9.502. Within approximate A Zones, require that those subsections of § 9.502 dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

9.507 Standards for areas of shallow flooding (AO and AH Zones)

Located within the special flood hazard areas established in § 9.302, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3')where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in §§ 9.501 and 9.502, apply:

9.507.1 All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three

feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 9.502.

9.507.2 All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely flood proofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 9.402.

9.507.3 Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

9.508 Standards for areas protected by flood protection system (A-99 Zones)

Located within the Areas of Special Flood Hazard established in § 9.302, are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 9.400 and 9.500 shall apply.

9.509 Standards for unmapped streams

Located within the City of Mount Pleasant, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

9.509.1 No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream,

measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

9.509.2 When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 9.400 and 9.500. (Ord. #2006-867, Jan. 2007, as replaced by Ord. #2014-72, April 2014)

9.600 VARIANCE PROCEDURES.

9.601 Municipal board of zoning appeals

9.601.1 Authority

The City of Mount Pleasant, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

9.601.2 Procedure

Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

9.601.3 Appeals: how taken

An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, the fee for

the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

9.601.4 Powers

The municipal board of zoning Appeals shall have the following powers:

a. Administrative review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

b. Variance procedures

In the case of a request for a variance the following shall apply:

1) The City of Mount Pleasant, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

3) In passing upon such applications, the municipal board of zoning appeals shall consider all technical

evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

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

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

c) The susceptibility of the proposed facility and its contents to flood damage;

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

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

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

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

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

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

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

4) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the

granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

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

9.602 Conditions for variances

9.602.1 Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 9.601.

9.602.2 Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9.602.3 Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty five dollars ($25.00) for one hundred dollars ($100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property. The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #2006-867, Jan. 2007, as replaced by Ord. #2014-72, April 2014)

9.700 LEGAL STATUS PROVISIONS.

9.701 Conflict with Other ordinances.

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Mount Pleasant, Tennessee, the most restrictive shall in all cases apply.

9.702 Severability.

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #2006-867, Jan. 2007 as replaced by Ord. #2014-72, April 2014)

ARTICLE X

EXCEPTIONS AND MODIFICATIONS

SECTION

10.100 Lot of Record
10.200 Front Yards
10.300 Exception to Height Limitations

10.100 LOT OF RECORD.

10.101.1 Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the municipal board of zoning appeals for a variance from the terms of this ordinance, in accordance with Article XII, Section 403. Such lots may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the municipal board of zoning appeals is possible.

10.101.2 Lots-of-Record Under Separate Ownership.

Where a lot has less area than the minimum requirements for the district within which the lot is located and has continuously been a lot of record, in separate ownership from adjacent property, prior to and since the passage of the ordinance, the lot may be used only for single-family dwelling purposes or for any non-dwelling purpose permitted in the district in which it is located. The Board of Zoning Appeals shall determine whether or not the lot in question was a lot-of-record on the effective date of the ordinance.

10.101.3 Lots-of-Record With Continuous Frontage.

Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership such lots shall be combined to form one (1) or more building sites meeting the

minimum zone lot requirements of the district in which they are located.

10.101.4 Reduction in Lot Area Prohibited.

No zone lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

10.101.5 No lot shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance; and no yard, court, or open space provided around any building for the purpose of complying with these provisions shall again be considered as a yard, court, or other open space for another building.

10.200 FRONT YARDS.

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred feet (200') of each side of such lot and within the same block and zoning district and fronting on the same streets as such lot is less than the minimum required front yard depth. In such case the minimum front yard shall be the average of the existing front yard depths on the developed lots.

10.300 EXCEPTION ON HEIGHT LIMITATIONS.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, silos, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials, and the like.

ARTICLE XI

ENFORCEMENT

SECTION

11.100 Enforcing Officer
11.200 Building Permit
11.300 Issuance of Certificate of Occupancy
11.400 Records
11.500 Penalties
11.600 Remedies

11.100 ENFORCING OFFICER.

The provisions of this ordinance shall be administered and enforced by a building inspector appointed by the Mount Pleasant City Manager and approved by the Mount Pleasant City Commission, and he shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

11.200 BUILDING PERMIT.

11.201 Building Permit Required.

It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to commence the moving or alteration of any building including accessory buildings, until the building inspector has issued a building permit for such work. Failure to possess a building permit is prima facia evidence of violation of this zoning ordinance.

11.202 Issuance of a Building Permit.

In applying to the building inspector for a building permit the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, and location of all buildings to be erected, altered, or moved and of any buildings already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the

application are in conformity with the provisions of this ordinance and other ordinances of the City of Mount Pleasant then in force, the building inspector shall issue a building permit for such excavation and/or construction. If a building permit is refused the building inspector shall state such refusal in writing with the cause.

11.202.1 The issuance of a building permit shall in no cause be construed as waiving any provision of this ordinance.

11.202.2 A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

11.300 ISSUANCE OF CERTIFICATE OF OCCUPANCY.

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Within three (3) days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this ordinance; or, if such certificate is refused, the building inspector shall state refusal in writing with the cause.

11.400 RECORDS.

A complete record of such applications, sketches, and plans shall be maintained in the office of the building inspector, based in whole or in part upon the provisions of this ordinance.

11.500 PENALTIES.

Any person violating any provision of this ordinance 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 that a violation is permitted to exist shall constitute a separate offense; payment of fine shall not constitute compliance.

11.600 REMEDIES.

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violations, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land.

ARTICLE XII

BOARD OF ZONING APPEALS

SECTION

12.100 Creation and Appointment
12.200 Procedure
12.300 Appeals, How Taken
12.400 Powers.

12.100 CREATION AND APPOINTMENT.

A Mount Pleasant Municipal Board of Zoning Appeals is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205, 13-7-206, and 13-7-207. The municipal board of zoning appeals shall consist of five (5) members, at least one (1) of whom shall be a member of the Mount Pleasant Regional Planning Commission. They shall be appointed by the Mayor of Mount Pleasant and confirmed by a majority vote of the Mount Pleasant City Commission. The term of membership shall be three (3) years except that the initial individual appointments to the board shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer with confirmation by the Mount Pleasant City Commission.

12.200 PROCEDURE.

Meetings of the Mount Pleasant Municipal Board of Zoning Appeals (hereafter referred to as the board) shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent, or failing to vote, the board shall explain its actions. The minutes shall be immediately filed in the office of the board and shall be a public record.

12.300 APPEALS, HOW TAKEN.

An appeal to the board may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, other board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be

taken by filing with the board a notice of appeal, specifying the grounds thereof.

The building inspector shall transmit to the board all papers constituting the record upon which the action appeal was taken. The board shall fix a reasonable time for the hearing of the appeal; give proper notice of a public hearing before the board by publishing such notice in a newspaper of general circulation in the City of Mount Pleasant, Tennessee, at least ten (10) days prior to the date set for the public hearing; provide written notice to the parties of interest, mailed five (5) days prior to the date set for the hearing; and decide same within a reasonable time. At the hearing, any person or party may appear and be heard in person, by agent, or by attorney.

12.400 POWERS.

The board shall have the following powers and duties:

12.401 Administrative Review.

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, implication, determination, or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance; and to interpret the zoning map and ordinance.

12.402 Special Exceptions.

To hear and decide applications for special exceptions upon which the board is specifically authorized to pass.

12.403 Variances.

To hear and decide applications for variances from the terms of this ordinance, but shall grant variances only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of adoption of this ordinance was a lot of record, or where by reason of exceptional topographic situations or conditions of a piece of property the strict application of the provisions of this ordinance would result in practical difficulties to or undue hardship upon the owner of such property; provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.

12.403.1 In granting a variance the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance.

12.403.2 Before any variance is granted, it shall be shown that special circumstances attached to the property do not generally apply to other properties in the neighborhood.

ARTICLE XIII

AMENDMENTS

SECTION

13.100 Introduction of Amendments
13.200 Review by Planning Commission
13.300 Notice of Public Hearing
13.400 Fee

13.100 INTRODUCTION OF AMENDMENTS.

The Mount Pleasant City Commission (hereafter referred to as the City Commission) may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the city commission may introduce such amendment, or any official, board, or any other person may present a petition to the city commission requesting an amendment or amendments to this ordinance.

13.200 REVIEW BY PLANNING COMMISSION.

No amendment shall become effective unless it is first submitted for approval, disapproval, or suggestions to the Mount Pleasant Regional Planning Commission. If the planning commission within sixty (60) days of such submission disapproves the amendment, it shall require the favorable vote of a majority of the entire membership of the city council to become effective. Failure of the planning commission to either approve or disapprove the amendment within ninety (90) days of its submission shall be deemed approval.

13.300 NOTICE OF PUBLIC HEARING.

Upon the introduction of an amendment to this ordinance, or upon the receipt of a petition to amend this ordinance, the city commission shall publish a notice of such request for an amendment together with the notice of time set for a public hearing by the city commission on the requested change. Said notice shall be published one (1) time in a newspaper of general circulation in the City of Mount Pleasant, Tennessee. Said hearing by the city commission shall take place not sooner than fifteen (15) days after the publication of such notice.

At the time and place signified in the above notice, the city commission shall meet; and all persons affected by such amendment or change may

appear in person, by agent, or by attorney to petition against the making of such amendment.

13.400 FEE.

A fee of fifteen dollars ($15.00) due and payable at the time of filing of petition shall be posted with request to amend the zoning ordinance; said fee to be used by the City of Mount Pleasant to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

ARTICLE XIV

LEGAL STATUS PROVISIONS

SECTION

14.100 Conflict with Other Ordinances
14.200 Validity
14.300 Repeal
14.400 Effective Date

14.100 CONFLICT WITH OTHER ORDINANCES.

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Mount Pleasant, the most restrictive provision shall in all cases apply.

14.200 VALIDITY.

If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

14.300 REPEAL.

Any other existing zoning regulations as amended are hereby repealed. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

14.400 EFFECTIVE DATE.

This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

CHAPTER 3

AIRPORT ZONING

SECTION

14-301. Land use within airspace zones to be governed by airport zoning ordinance.

14-301. Land use within airspace zones to be governed by airport zoning ordinance. Land use within airspace zones in the vicinity of the Maury County Airport shall be governed by Ord. #81-644 titled "Airspace and Height Restrictions Zoning Ordinance of Maury county," and any amendments and/or successors thereto.[1]

[1]Ord. #81-644 is published as a separate document. Both the ordinance and any amendments and/or successors thereto are of record in the office of the city recorder.

CHAPTER 4

PLACEMENT OR CONSTRUCTION OF BUILDINGS OR OR STRUCTURES OVER UTILITY MAINS AND STORMWATER DRAINS

SECTION

14-401. Placement of buildings and structures.
14-402. Construction of utilities.
14-403. Responsibility.
14-404. Violations.

14-401. Placement of buildings and structures. (1) No building or structure shall be placed or constructed over or within ten feet (10') of any water, sewer, wastewater, or natural gas main or piping that is not a component of the building or structure.

(2) No building or structure shall be placed or constructed over or within ten feet (10') of any natural stormwater drainage structure, tile, culvert, box channel, catch basin, open channel or any other drainage structure or system unless such drainage structure is designed by a professional engineer licensed in the State of Tennessee. Such design shall show the location of the building or structure in relation to the stormwater drainage system and shall allow ten feet (10') access for service. (Ord. #2009-900, Oct. 2009)

14-402. Construction of utilities. Construction of utilities and stormwater systems shall be in compliance with the city's building codes and city and state regulations. No building or structure may be constructed or placed on property unless such location is first approved by the city building official. (Ord. #2009-900, Oct. 2009)

14-403. Responsibility. It shall be the responsibility of the city building official to enforce the provisions of this chapter. (Ord. #2009-900, Oct. 2009)

14-404. Violations. Violators of the provisions of this chapter shall be directed to remove such buildings or structures as directed by the city building official at the owner's cost. The city may undertake other legal means for enforcing the provisions of this chapter as required. (Ord. #2009-900, Oct. 2009)

CHAPTER 5

M3 ZONING OVERSIGHT COMMITTEE

SECTION

14-501. Creation.
14-502. Membership.
14-503. Terms.
14-504. Initial meeting.
14-505. Bylaws authorized.
14-506. Purposes of committee.
14-507. Time of meetings.

14-501. Creation. The City of Mount Pleasant, Tennessee hereby creates and establishes an M3 Zoning Oversight Committee. (as added by Ord. #2016-994, Nov. 2016)

14-502. Membership. The committee shall have ten (10) members appointed by majority vote of the Mount Pleasant Board of Commissioners. The committee shall have membership as follows:

(1) Voting members. There shall be seven (7) voting members of whom: Five (5) members are appointed at-large from within the corporate limits of Mount Pleasant, Tennessee.

Two (2) members are appointed at-large from outside the corporate limits of Mount Pleasant, Tennessee but within the Mount Pleasant Regional Planning Commission Area.

(2) Nonvoting members. There shall be a nonvoting member from each business zoned M3. There are currently three (3) such businesses.

The members shall serve without compensation but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties. The members shall be appointed by the board of mayor and commissioners of the City of Mount Pleasant. Tennessee and shall hold office for staggered terms. At the time of the initial election of the members, the board of mayor and commissioners shall divide said members into two (2) groups of voting members and a group of nonvoting members. The first group of voting members. consisting of three (3) at-large members from inside the corporate limits and one (1) member from outside the corporate limits, shall have an initial term of three (3) years. The second group of voting members. consisting of two (2) members from inside the corporate limits and one (1) member outside the corporate limits, shall have an initial term for two (2) years. The nonvoting group, consisting of members from each M3 zoned business, shall have an initial term of two (2) years. If more businesses are zoned M3 in the future, a member may be added to the committee for each M3 zoned business. There are currently three (3) such businesses. These members are nonvoting members. After their

initial terms, all members shall henceforth serve four (4) year terms. If a successor has not been selected for a member whose term of office has expired, such member shall serve until his successor is appointed. A vacancy in office shall be filled by an appointment of the board of mayor and commissioners until such term expires. (as added by Ord. #2016-994, Nov. 2016)

14-503. Terms. The members shall serve four (4) year terms following their initial term. (as added by Ord. #2016-994, Nov. 2016)

14-504. Initial meeting. Immediately after its appointment, said committee shall meet and appoint the following officers: A chairperson to preside at meetings and to represent the committee at meetings of the board of commissioners and other official functions; a vice chairperson to preside in the absence of the chairperson; and a secretary to keep all minutes and records of the committee and to transmit a copy of these records to the city recorder. (as added by Ord. #2016-994, Nov. 2016)

14-505. Bylaws authorized. The committee shall have the power to adopt bylaws and rules for the proper conduct of committee functions. (as added by Ord. #2016-994, Nov. 2016)

14-506. Purposes of committee. The purposes of the committee are:

(1) To gain facts about M3 zoning within the City of Mount Pleasant;

(2) To identify resources available to ensure compliance with M3 zoning;

(3) To solicit citizen input and hear citizen concerns relating to M3 zoning;

(4) To make recommendations to the board of commissioners concerning M3 zoning within the city limits of Mount Pleasant, Tennessee. (as added by Ord. #2016-994, Nov. 2016)

14-507. Time of meetings. The committee shall meet quarterly unless more frequent meetings are deemed necessary by the committee. (as added by Ord. #2016-994, Nov. 2016)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

15-101. Motor vehicle requirements.
15-102. Driving on streets closed for repairs, etc.
15-103. One-way streets.
15-104. Unlaned streets.
15-105. Laned streets.
15-106. Yellow lines.
15-107. Miscellaneous traffic-control signs, etc.
15-108. General requirements for traffic-control signs, etc.
15-109. Unauthorized traffic-control signs, etc.
15-110. Presumption with respect to traffic-control signs, etc.
15-111. School safety patrols.
15-112. Driving through funerals or other processions.
15-113. Clinging to vehicles in motion.
15-114. Riding on outside of vehicles.
15-115. Backing vehicles.
15-116. Projections from the rear of vehicles.
15-117. Causing unnecessary noise.
15-118. Vehicles and operators to be licensed.
15-119. Passing.
15-120. Damaging pavements.
15-121. Motorcycles, bicycle riders, etc.

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[1]Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

15-122. Evading traffic control signs and signals.
15-123. Applicability of chapter to public areas.
15-124. Riding animals within corporate city limits after sunset.
15-125. Compliance with financial responsibility law required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1984 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1984 Code, § 9-106)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1984 Code, § 9-105)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city 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. (1984 Code, § 9-106)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme

right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1984 Code, § 9-107)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1984 Code, § 9-108)

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

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1984 Code, § 9-109)

15-108. General requirements for traffic-control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,[2] and shall be uniform as to type and location throughout the city. (1984 Code, § 9-110, modified)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1984 Code, § 9-111)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the

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[1]Municipal code references

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

[2]This document may be viewed online at: http://www.state.tn.us/sos/rules/1680/1680-03/1680-03.htm

presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1984 Code, § 9-112)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1984 Code, § 9-113)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1984 Code, § 9-114)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1984 Code, § 9-116)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1984 Code, § 9-117)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1984 Code, § 9-118)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1984 Code, § 9-119)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing"

the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1984 Code, § 9-120)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1984 Code, § 9-121)

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. (1984 Code, § 9-122)

15-120. Damaging pavements. No person shall operate upon any street of the city 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. (1984 Code, § 9-115)

15-121. Motorcycles, 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 city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, 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 handlebars.

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

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, 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. (1984 Code, § 9-123)

15-122. Evading traffic control signs or signals. It shall be unlawful for the operator of any vehicle to avoid or evade any regulatory traffic control sign or signal by turning out of his lane of traffic, crossing over, or driving through private or public property not a part of the public street. (1984 Code, § 9-124)

15-123. Applicability of chapter to public areas. The provisions of this chapter, §§ 15-101 through 15-127of the Municipal Code of the City of Mount Pleasant as related to the operation of motor vehicles within the corporate limits of said city shall be applicable to the operation of same in any public park, playground or recreation area owned by the City of Mount Pleasant or any other governmental entity or otherwise if frequented and used by the public in general. (1984 Code, § 9-125)

15-124. Riding animals within corporate city limits after sunset.

(1) It shall be unlawful for any person to ride a horse or any other animal within the corporate city limits of the City of Mount Pleasant, Tennessee, at any time between thirty (30) minutes before sunset and thirty (30)

minutes after sunrise unless such conduct is part of an event authorized by the municipality.

(2) It shall be unlawful to ride a horse or any other animal upon any public sidewalks within the corporate limits of the City of Mount Pleasant, Tennessee at any time.

(3) No person shall drive an animal drawn cart, buggy, wagon and/or other vehicle within the corporate limits of the City of Mount Pleasant, Tennessee, between thirty (30) minutes before sunset and thirty (30) minutes after sunrise unless such driver displays at least one hundred square inches of solid reflectorized material on the rear of such vehicle and displays a light that is visible from the front of such vehicle from a distance of five hundred (500) feet in clear weather. (Ord. #96-778, Aug. 1996)

15-125. 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 of title 15 or any other 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.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued covering the driver's vehicle.

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars ($50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person so charged may submit evidence of financial responsibility at the time of violation. If it is the person's first violation of this section and the court is satisfied that the 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 the 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 that is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected. (Ord. #2002-828, June 2002, modified)

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.
15-205. Operation of vehicles on approach of authorized emergency vehicles.

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. (1984 Code, § 9-201)

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

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the

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[1]Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles: § 15-501.

consequences of his reckless disregard for the safety of others. (1984 Code, § 9-202)

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1984 Code, § 9-203)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1984 Code, § 9-204)

15-205. Operation of vehicles on approach of authorized emergency vehicles. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or of a police vehicle properly and lawfully making use of an audible signal only:

(a) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) Upon approaching a stationary authorized emergency vehicle, when the vehicle is giving a signal by use of flashing lights, a person who drives an approaching vehicle shall:

(a) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(b) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(3) Upon approaching a stationary recovery vehicle, highway maintenance vehicle, or utility service vehicle when the vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall:

(a) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary recovery vehicle, highway maintenance vehicle or the utility service vehicle if possible with due regard to safety and traffic conditions, if on a highway

having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(b) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(4) For the purpose of this section, unless the context otherwise requires:

(a) "Authorized emergency vehicle" means fire department vehicles, police vehicles and such ambulances and other emergency vehicles as are designated by the chief of police;

(b) "Highway maintenance vehicle" means a vehicle used for the maintenance of highways and roadways in this state and is

(i) Owned or operated by a contractor under contract with the department of transportation, a county, a municipality or other political subdivision of this state;

(ii) Owned or operated by a contractor under contract with the Department of Transportation, a county, a municipality or other political subdivision of this state;

(c) "Recovery vehicle" means a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles; and

(d) "Utility" means any person, municipality, county, metropolitan government, electric cooperative, telephone cooperative, board, commission, district or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, wastewater services, telephone services, or any combination thereof, for sale to consumers in any particular service area.

(5) This section shall not operate to relieve the driver of an authorized emergency vehicle, a recovery vehicle, highway maintenance vehicle or utility service vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

(6) Any violation of this section is punishable by civil penalty of up to fifty dollars ($50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances. (as added by Ord. #2011-937, Oct. 2011)

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. (1984 Code, § 9-301)

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. (1984 Code, § 9-302)

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

In school zones where the board of commissioners 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. (1984 Code, § 9-303, 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 authority of the city. (1984 Code, § 9-304)

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.

15-401. 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] (1984 Code, § 9-401)

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. (1984 Code, § 9-402)

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. (1984 Code, § 9-403)

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. (1984 Code, § 9-404)

15-405. U-turns. (1) U-turns. U-turns are prohibited within the corporate limits of the municipality.

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[1]State law reference
Tennessee Code Annotated, § 55-8-143.

(2) Left turns into or reverse turns out of parking spaces. Left turns into or reverse turns out of parking places shall be prohibited in the following locations:

(a) North Main Street from the public square to Columbia Avenue.

(b) South Main Street from the public square to Jordan Avenue.

(c) Broadway and Bluegrass Avenues easterly from the public square to railroad right-of-way.

(d) Haylong Avenue westerly from the public square to Goodloe Street. (Ord. #96-770, March 1996)

CHAPTER 5

STOPPING AND YIELDING

SECTION

15-501. When emerging from alleys, etc.
15-502. To prevent obstructing an intersection.
15-503. At railroad crossings.
15-504. At "stop" signs.
15-505. At "yield" signs.
15-506. At traffic-control signals generally.
15-507. At flashing traffic-control signals.
15-508. At pedestrian control signals.
15-509. Stops to be signaled.

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. (1984 Code, § 9-502)

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. (1984 Code, § 9-503)

15-503. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1984 Code, § 9-504)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1984 Code, § 9-505)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1984 Code, § 9-506)

15-506. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1984 Code, § 9-507)

15-507. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1984 Code, § 9-508)

15-508. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1984 Code, § 9-509)

15-509. 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. (1984 Code, § 9-510)

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[1]State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

15-601. Generally.
15-602. Angle parking.
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Presumption with respect to illegal parking.
15-607. Displayed registration.
15-608. Handicap parking.
15-609. Illegal parking.

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

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything in this code to the contrary, no person shall park or leave a vehicle on any public street for more than seventy-two (72) consecutive hours, upon the issuance of a seventy-two (72) hour notice and the expiration of the same, the vehicle may be towed at the owner's expense.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1984 Code, § 9-601, as amended by Ord. #2010-915, Sept. 2010)

15-602. Angle parking. On those streets which have been signed or marked by the city 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-five (25) feet. (1984 Code, § 9-602)

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 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. (1984 Code, § 9-603)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk.

(2) In front of or within five (5) feet of a public or private driveway.

(3) Within an intersection or within five (5) feet thereof.

(4) Within ten (10) feet of a fire hydrant.

(5) Within a pedestrian crosswalk.

(6) Within fifty (50) feet of a railroad crossing.

(7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.

(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.

(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(10) Upon any bridge.

(11) Alongside any curb painted yellow or red by the city.

(12) In the traffic lane of any street. (1984 Code, § 9-604)

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 city as a loading or unloading zone. (1984 Code, § 9-605)

15-606. 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. (1984 Code, § 9-606)

15-607. Displayed registration. No vehicle shall be parked upon any public street that is without legal and properly displayed registration. (as added by Ord. #2010-915, Sept. 2010)

15-608. Handicap parking. No vehicle shall park in a handicap parking space, unless the vehicle is displaying a handicap placard that has been issued by the county clerk's office. This section shall only apply to handicap parking spaces that are posted by a sign that is at least eye level with a driver of a vehicle. (as added by Ord. #2010-915, Sept. 2010)

15-609. Illegal parking. No person shall park a vehicle on any public street, whereas the vehicle is parked against the flow of traffic. (as added by Ord. #2010-915, Sept. 2010)

CHAPTER 7

TRUCK ROUTES AND PARKING

SECTION

15-701. Parking limited.
15-702. Main Street truck traffic.
15-703. Trucks otherwise prohibited on certain streets.
15-704. Designated streets.
15-705. Exceptions.
15-706. Warning period.
15-707. Penalty.

15-701. Parking limited. No vehicle exceeding more than two (2) axles shall be parked on a public street unattended except while it is in the process of making a pickup or delivery. (1984 Code, § 9-701, as replaced by Ord. #2015-978, Feb. 2015)

15-702. Main Street truck traffic. (1) Vehicles with more than two (2) axles shall not use North or South Main Street (State Highway 243) as a thoroughfare between the main entrance to the Maury County Regional Airport on the North and the Mt. Joy Road on the South.

(2) Such vehicles having a local delivery or pickup to make between the main entrance to the Maury County Regional Airport and the Mt. Joy Road shall be permitted to make such delivery and/or pick up but shall use the nearest and most direct route from the Mount Pleasant By-Pass (Highway 43) to and from their in-town destination and shall minimize the time and distance traveled on North or South Main Street (State Highway 243) to the greatest extent possible.

(3) No vehicle transporting molten aluminum shall be allowed in the downtown (Central Business District) of Mt. Pleasant.

(4) Speed limits (not to exceed twenty-five (25) miles per hour) may be implemented and signs posted by the Mount Pleasant Police Department.

(5) The restrictions contained in this section are not intended to apply to farm wagons and/or light trailers being pulled by automobiles, pickup trucks, or similar vehicles. (1984 Code, § 9-702, as amended by Ord. #2008-887, Nov. 2008, and replaced by Ord. #2015-978, Feb. 2015)

15-703. Trucks otherwise prohibited on certain streets. It shall be unlawful to drive any vehicle with more than two (2) axles except for the purpose of making a pickup or delivery on any street so designated by ordinance and properly sign posted. This provision shall apply to as designated streets within either commercial or residential areas. (1984 Code, § 9-704, as replaced by Ord. #2015-978, Feb. 2015)

15-704. Designated streets. In addition to North Main and South Main Street, (State Highway 243) the following streets are otherwise designated as primary truck routes for making pickups and deliveries:

(1) First Avenue (Hwy.166 N)
(2) Enterprise Road (Hwy. 166 S)
(3) Bluegrass Avenue
(4) Cross Bridges Road
(5) Gray Lane. (1984 Code, § 9-705, as replaced by Ord. #2015-978, Feb. 2015)

15-705. Exceptions. The foregoing provisions hereof shall not apply to any emergency vehicle, any school bus or any road construction equipment being operated by or for the City of Mount Pleasant in connection with repairs upon property or rights-of-way owned by the city. (1984 Code, § 9-706, as replaced by Ord. #2015-978, Feb. 2015)

15-706. Warning period. For a period of thirty (30) days following the effective date of this chapter "warning" tickets which shall involve no monetary fine or civil penalty shall be issued for violations by the Mount Pleasant Police Department. (Ord. #2008-887, Nov. 2008, as replaced by Ord. #2015-978, Feb. 2015)

15-707. Penalty. Violations of this chapter shall result in a minimum fine/civil penalty of fifty dollars ($50.00) plus court costs. (as added by Ord. #2015-978, Feb. 2015, and replaced by Ord. # 2015-978, Feb. 2015)

CHAPTER 8

ENFORCEMENT

SECTION

15-801. Issuance of traffic citations.
15-802. Failure to obey citation.
15-803. Illegal parking.
15-804. Impoundment of vehicles.
15-805. Disposal of abandoned motor vehicles.
15-806. Violation and penalty.

15-801. Issuance of traffic citations.[1] When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1984 Code, § 9-801)

15-802. 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. (1984 Code, § 9-802)

15-803. 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. (1984 Code, § 9-803, modified)

15-804. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any

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[1]State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be twenty-five dollars ($25.00) and the storage cost shall be twenty-five dollars ($25.00) per day beginning on the fourth day of storage, or upon the compliance with any court order. (1984 Code, § 9-804, as amended by Ord. #2010-915, Sept. 2010)

15-805. 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 police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1984 Code, § 9-805)

15-806. Violation 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 citations. Citations shall be issued for vehicles that have been towed for violating any part of chapter 6, by members of the Mount Pleasant Police Department.

PARKING VIOLATION CIVIL PENALTY:	
Parking in fire lane or in violation of §§ 15-604(4), 15-604(7)	$25.00
Parking in violation handicap parking	$25.00
All other parking violations	$ 5.00

The above civil penalty must be paid within three (3) business days or an additional ten dollars ($10.00) will be added. If the civil penalty has not been paid within thirty (30) days the municipal court shall cause to be issued a summons for the offender, whereas the offender would be subject to a civil penalty of fifty dollars ($50.00), plus court costs by court order. Written notice of this section shall be given at the time of the issuance of the parking citation. (1984 Code, § 9-803, as amended by Ord. #2010-915, Sept. 2010)

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. SIDEWALK IMPROVEMENT AND MAINTENANCE.
4. PROPERTY NUMBERING.
5. MASS GATHERING/SPECIAL EVENTS.

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. [Deleted].
16-111. Animals and vehicles on sidewalks.
16-112. Fires in streets, etc.
16-113. Installation of mailboxes.
16-114. Trees and shrubs near streets or sidewalks.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1984 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1984 Code, § 12-102)

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[1]Municipal 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. (1984 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.[1] (1984 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of commissioners after a finding that no hazard will be created by such banner or sign. (1984 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1984 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1984 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1984 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1984 Code, § 12-109)

16-110. [Deleted]. (1984 Code, § 12-110, as deleted by Ord. #2017-1014, Nov. 2017)

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[1]Municipal code reference
Building code: title 12, chapter 1.

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1984 Code, § 12-112)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1984 Code, § 12-113)

16-113. Installation of mailboxes. The installation or erection of mailboxes or mail receptacles on, about, or near the public streets, rights-of-way, or sidewalks of the City of Mount Pleasant, Tennessee, is hereby prohibited. (1984 Code, § 12-114)

16-114. Trees and shrubs near streets or sidewalks. It shall be unlawful to plant any tree or shrub within five (5) feet of any street or sidewalk. When any tree or shrub already planted within five (5) feet of any street or sidewalk causes such street or sidewalk to buckle or break, it shall be the responsibility of the owner of such plant to pay the city for repairing the damage. (1984 Code, § 12-115)

CHAPTER 2

EXCAVATIONS AND CUTS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fee.
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 and said permit shall be retroactive to the date when the work was begun. (1984 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1984 Code, § 12-202)

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[1]State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($.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. (1984 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars ($25.00) if no pavement is involved or seventy-five dollars ($75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1984 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1984 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city 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 city, 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. (1984 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars ($300,000.00) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars ($700,000.00) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars ($100,000.00) for injury or destruction of property of others in any one (1) accident, occurrence, or act. (1984 Code, § 12-207, modified)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1984 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city 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. (1984 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in

width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1984 Code, § 12-210)

CHAPTER 3

SIDEWALK IMPROVEMENT AND MAINTENANCE

SECTION

16-301. Sidewalk improvement and maintenance program established.
16-302. Funding.
16-303. Customer request--plans and specifications.
16-304. [Deleted.]

16-301. Sidewalk improvement and maintenance program established. A periodic sidewalk improvement and maintenance program within the corporate limits of the City of Mount Pleasant, Tennessee is hereby established. This program incorporates existing ordinances including but not limited to §§ 16-101, 16-102, 16-103, 16-107, 16-109, 16-112, 16-114, 16-115, 16-205 and 16-210 relative to curbing, sidewalks and streets of the Mount Pleasant Municipal Code. On a periodic basis the city will designate and establish sidewalk improvement areas within budget constraints to be repairs and/or improved. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

16-302. Funding. This program shall also allow the city's director of public works and city manager the flexibility to work with property owners on special projects which involve direct funding for sidewalk repairs and/or replacement that is done with city funding under the city capital plan and/or through grants from third parties. This section shall further allow the City of Mount Pleasant to apply for and receive state and/or federal funds to be used in reconstruction of existing sidewalks, in connection with new curbing, sidewalks and roadways or repairs thereof. In these circumstances the city would be responsible for one hundred percent (100%) of material, construction and replacement cost. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

16-303. Customer request--plans and specifications. As an alternative process, in the event any property owner requests sidewalk improvements and/or repairs which are not otherwise associated with the sidewalk improvement and maintenance program set forth in §§ 16-301 and 16-302 hereof wherein the city identifies, on an annual basis, sidewalk improvement areas within budget constraints to be repaired and/or improved, and the city accepts the property owner's improvement and/or repair request, said property owner will be responsible for one hundred percent (100%) of the costs of materials and the city will be responsible for one hundred percent (100%) of the costs for the labor associated with said repairs and/or improvement. Material costs must be paid in full by the property owner prior to the city commencing with any improvement and/or repair work. Moreover, the

city has the right to accept and/or reject property owner's proposals, on a case by case basis, regarding requested improvements and/or repairs. In the event such request is accepted, the city will prepare appropriate plans and specifications for the proposed improvement and/or repairs and will submit same for bids. Upon receipt of bids and prior to the acceptance of the lowest qualified bid, the material cost from property owner will be due. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

16-304. [Deleted.] (Ord. #90-718, Feb. 1990, as deleted by Ord. #2011-928, June 2011)

CHAPTER 4

PROPERTY NUMBERING

SECTION

16-401. Numbering required; style.
16-402. Uniform plan.
16-403. Changing existing numbers.
16-404. Rules, regulations, etc., for compliance.
16-405. Enforcement.
16-406. Noncompliance, fine.

16-401. Numbering required; style. All primary structures or a portion thereof within the corporate limits of the City of Mount Pleasant, Tennessee, shall be numbered in an orderly sequence, said numbers to be Arabic numerals of at least three (3) inches in height or of sufficient height so as to be visible from the public street or highway and same are to be placed upon the primary structure or a portion thereof itself when practicable. Said numbers are to be in a contrasting color with that of the structure and the responsibility for the installation of said numbers shall be upon the property owner. (Ord. #90-721, July 1990)

16-402. Uniform plan. The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are hereby authorized to establish and place into force and effect a uniform plan for the numbering of all primary structures or portions thereof. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-403. Changing existing numbers. The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Departments, are further authorized to change existing numbers on primary structures to comply with the overall plan for numbering contemplated by the E-911 System. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-404. Rules, regulations, etc., for compliance. The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized to establish reasonable rules, regulations and requirements for compliance with the provisions of this chapter prior to the issuance of a certificate of occupancy. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-405. Enforcement. The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized and empowered to enforce compliance with the provisions of this chapter. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-406. Noncompliance, fine. In the event of noncompliance with the provisions of this chapter, the Department of Community Development and/or the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized to notify the property owner of the subject property of noncompliance with the provisions of the chapter and of the terms and provisions of same. Said notice may be verbal but shall be confirmed in writing and shall include, but not be limited to notification to the affected property owner that a citation and judicial proceedings will ensue in the event of continuing noncompliance following thirty (30) days after such notification. In the event of continuing noncompliance, any individual convicted thereof shall be subject to a fine of twenty-five dollars ($25.00) for such violation, and each day any such violation continues shall constitute a separate offense. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

CHAPTER 5

MASS GATHERING/SPECIAL EVENTS

SECTION

16-501. Purpose.
16-502. Definitions.
16-503. Exemptions.
16-504. Special event permit required, violations, and penalties.
16-505. General provisions.
16-506. Financial assurance.
16-507. Amount and type of services and equipment required.
16-508. Fees and types of payment.
16-509. Special plan for event contingencies.
16-510. Dissemination of SPEC.
16-511. Application process.
16-512. Authority to alter, suspend, or terminate a special event.
16-513. Grievance procedures.
16-514. Severability.
16-515. State of Tennessee guidelines for a mass gathering/special event.

16-501. Purpose. The purpose of this legislation is to set forth permitting procedures and requirements for special events in a way that will attempt to protect, preserve, and promote the physical health of the public; reduce the incidence of communicable diseases; reduce hazards and pollution to the environment; maintain adequate sanitation and public health; protect the safety of the public; and reduce the threats or effects of terrorism or weapons of mass destruction. (as added by Ord. #2017-1014, Nov. 2017)

16-502. Definitions. (1) "City/City of Mount Pleasant" shall mean all of the incorporated areas of the City of Mount Pleasant, Tennessee.

(2) "City sponsored events" shall mean events that are solely planned, administered, coordinated, held by, and paid for by the City of Mount Pleasant. City sponsored events shall not be exempt from obtaining a special event permit.

(3) "Co-sponsored events" shall mean events that are planned, administered, coordinated, and held in conjunction with another event sponsor and the City. Co-sponsored events shall not be exempt from obtaining a special event permit.

(4) "Event sponsor" shall mean any organizer, promoter, coordinator, person, group, corporation, partnership, governing body, association, or other public or private organization, or property owner that is responsible for the operation of a special event.

(5) "Extraordinary or exceptional demands on services." Regardless of how many people an event attracts, it may be determined by the Mount Pleasant City Manager that the regular and/or emergency services could have

extraordinary or exceptional demands placed upon them by an event. Any/all events that are determined to likely place extraordinary or exceptional demands upon the regular and/or emergency services shall be considered a special event and a special event permit shall be required.

(6) "Financial assurance" shall mean liability insurance underwritten by a company licensed to underwrite business in the State of Tennessee, which shall indemnify and hold harmless the City of Mount Pleasant and its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting a special events permit, and from any cost incurred in cleaning up any waste material produced or left after the event.

(7) "Independent events" shall mean those events that are not co-sponsored or city sponsored events.

(8) "Mass gathering" shall mean any outdoor temporary public gathering, including but not limited to block parties, parades, festivals, music concerts, celebrations, carnivals, fairs, exhibits, trade shows, food truck rallies, or any similar occurrence to be conducted on any public or private property within the City of Mount Pleasant that is reasonably expected to simultaneously bring together two hundred fifty (250) or more people and that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our City. Mass gatherings shall also mean any indoor temporary public gathering held within a building owned by the City of Mount Pleasant that is reasonably expected to simultaneously bring together two hundred fifty (250) or more people and that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our City. All mass gatherings, as defined, shall require a mass gathering permit.

(9) "Mass gathering permit" shall mean a written form of authorization in accordance with these regulations.

(10) "Property owner" shall mean any person who alone, jointly, or severally with others has legal title to any premises, with or without accompanying actual possession thereof; or has charge, care, or control of any premises, and legal or equitable owner, agent, or the owner, or lessee of a piece of property where a special event is to be held.

(11) "Special event" shall mean any outdoor temporary public gathering including but not limited to block parties, parades,' festivals, music concerts, celebration, carnivals, fairs, exhibits, trade shows, food truck rallies, or any similar occurrence to be conducted on any public or private property within the City of Mount Pleasant that is reasonably expected to simultaneously bring together anywhere from two (2) to two hundred-fifty (250) people and that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our city. Special events shall also mean any indoor temporary public gathering held within a building owned by the City of Mount Pleasant that is reasonably expected to simultaneously bring anywhere from two (2) to two hundred-fifty (250) people and that could result in extraordinary or exceptional demands being placed on the regular and/or emergency services of our City. All special events, as defined, shall require a special events permit.

(12) "Special event permit" shall mean a written form of authorization in accordance with these regulations.

(13) "Special Plan for Event Contingencies (SPEC)" shall mean an approved written safety plan that will attempt to protect, preserve, and promote the physical health of the public; reduce the incidence of communicable diseases; reduce hazards and pollutions to the environment; maintain adequate sanitation and public health; and protect the safety of the public.

(14) "Temporary street closure" shall mean any condition created by a mass gathering or special event that is conducted within or upon any street, public way, road, highway, boulevard, parkway, alley, lane, service road, viaduct, bridge, and the approaches thereto, sidewalks, or other public rights-of-way. Any/all events that create a temporary street closure shall be considered a special event or mass gathering and the appropriate permit shall be required. (as added by Ord. #2017-1014, Nov. 2017)

16-503. Exemptions. Special event permit or mass gathering permits shall not be required for the following events:

(1) Funeral processions;

(2) Students going to and from classes;

(3) Participation in educational or other school activities, providing that such conduct us under the immediate direction and supervision of the property authorities and an adequate safety plan has been developed (homecoming and other parades that cause or could result in temporary street closures shall not be exempt);

(4) Sporting events, providing that such conduct is under the immediate direction and supervision of the proper authorities and an adequate safety plan has been developed (an electronic repository of these plans shall be maintained and access shall be granted to the regular and/or emergency services);

(5) Activities conducted in the normal operation of a licensed campground;

(6) An event wholly contained on property specifically designed or suited for the special event and which has an appropriate certificate of occupancy, appropriate zoning, and an adequate safety plan. (as added by Ord. #2017-1014, Nov. 2017)

16-504. Special event permit required, violations, and penalties.

(1) Special event permit required. No event sponsor shall hold any special event unless a special event permit is first obtained.

(2) Mass gathering permit required. No event sponsor shall hold any mass gathering unless a mass gathering permit is first obtained.

(3) Violations. Any person who violates any provision of this legislation shall be subject to fines and penalties. It is a violation to hold a special event or mass gathering within the City of Mount Pleasant without obtaining the appropriate permit as outlined herein.

(4) Penalties. Any person found in violation of this legislation. shall be subject to the maximum fine allowable by law plus all allowable court costs, any and all costs incurred to the City of Mount Pleasant to enforce this legislation. (as added by Ord. #2017-1014, Nov. 2017)

16-505. General provisions. Nothing in this regulation relieves the obligations or liability of any event sponsor to comply with any other applicable regulation, ordinance, law, standard, or provision issued by other entities, the City of Mount Pleasant, the State of Tennessee, or the federal government. This shall include but not limited to:

(1) Beer and alcohol permitting regulations;
(2) Zoning regulations and restrictions;
(3) Park fees and permit;
(4) Health department regulations and requirements;
(5) Any/all applicable taxes;
(6) Any/all additional required fees and permits. (as added by Ord. #2017-1014, Nov. 2017)

16-506. Financial assurance. The event sponsor must comply with the following insurance requirements to be considered for a mass gathering permit. The event sponsor must comply with the following insurance requirements to be considered for certain special event permits, at the discretion of the city manager. Proof of insurance covering the dates and times of the event including set up and dismantling must be submitted during the permit application process. Failure to provide proof of insurance will result in the permit being denied. The following types of insurance must be provided:

(1) Comprehensive general liability insurance. A general liability insurance policy, or its equivalent, written on an occurrence basis (or yearly basis), with a minimum of one million dollars ($1,000,000.00) combined single limit of liability per occurrence for bodily injury, personal injury, and property damage is required. If food or beverages are to be served, then product liability coverage must also be included with a minimum of one million dollars ($1,000,000.00) per occurrence. Insurance coverage must include all areas used by the event including any/all assembly areas, routes, disbanding areas and event location(s).

(2) Additional insurance requirements. The City of Mount Pleasant must be listed as additional insured for the event on all insurance policies with regards to the event.

(3) Additional insurance required. The city manager reserves the right to increase the minimum acceptable limits of liability insurance based on the nature or type of event and the potential hazards posed by the event. (as added by Ord. #2017-1014, Nov. 2017)

16-507. Amount and type of services and equipment required. The amount, kind, and type of services or equipment required for a special event or

mass gathering shall be determined based on the nature and type of event and the potential hazards posed by the event. Nothing in this regulation is intended to limit the number of resources or services required. At a minimum, the recommendations outlined in the Federal Emergency Management Agency (FEMA) Special Events Contingency Planning Job Aids Manual shall be followed when determining the amount and type of services required.

(1) Additional services required. The city manager reserves the right to increase the minimum required amount and type of services required based on the nature or type of event and the potential hazards posed by the event. After consulting with the emergency and regular services, the city manager may determine that the FDMA recommendations are not adequate.

(2) Amount of equipment required. Contracts with vendors for meeting the necessary requirements for the amount and type of equipment required shall be allowed. However, any/all contractors shall be licensed to do business in the State of Tennessee. All traffic control devices (signs, barricades, etc.) shall comply with the standards outlined in the Manual on Uniform Traffic Control Devices (MUTCD). The current edition, MUTCD is use by the City of Mount Pleasant at the time of the permit application shall apply. Any/all contracts shall be completed and executed prior to the issuance of a mass gathering or special event permit.

(3) Type of services required. Any/all contractors for professional services including but not limited to law enforcement, fire suppression, and/or emergency medical providers shall be certified and/or licensed to provide services in the State of Tennessee. All professional service contractors shall be in uniform and readily identifiable while providing contracted services during special events. (as added by Ord. #2017-1014, Nov. 2017)

16-508. Fees and terms of payment. There shall be fees associated with the special event and mass gathering permit application process, and additional fees for personnel services and equipment provided by the City of Mount Pleasant.

(1) Special event permit. A non-refundable application fee of twenty-five dollars ($25.00) is due at the time of application. The event sponsor shall be responsible for paying these fees.

(2) Mass gathering permit. A non-refundable application fee of fifty dollars ($50.00) is due at the time of application. The event sponsor shall be responsible for paying.

(3) Personnel services provided by the City of Mount Pleasant. The costs associated with the city employees required to provide services for a special event or mass gathering may be billable based upon an average of personnel costs. This rate may be based on the information provided in the application. The even sponsor shall be responsible for paying these fees.

(4) Equipment provided by the City of Mount Pleasant. The costs associated with the operation of equipment provided by the city shall be billable at rates based on the Federal Emergency Management Agency's (FDMA)

schedule of equipment rates. The event sponsor shall be responsible for paying these fees.

(5) Co-sponsored events. Based on the nature and type of event and the positive impact that a particular event has on our community, a portion or portions of fees and/or insurance requirements in accordance with this regulation can be waived by the city manager for approval co-sponsored events. A special event or mass gathering permit shall be required for co-sponsored events.

(6) City sponsored events. Fees in accordance with this regulation shall be waived by the city manager for approved city sponsored events. The city manager may require additional insurance for specific hazards or functions at city sponsored events. A special event or mass gathering permit shall be required for city sponsored events.

(7) Calculation of additional fees. Fees owed for equipment or personnel services required for the event shall be calculated by each involved emergency and/or regular service and forwarded to the city manager no later than five (5) business days after each special event. The city manager shall compile all applicable charges and an invoice shall be sent to the event sponsor no later than ten (10) business days after the event.

(8) Terms of payment of additional fees. All monies due and payable upon receipt of invoice. Payment not received by the thirtieth (13th) day after the date of invoice shall be subject to accrue interest at a rate of fifteen (15%) annum or the maximum finance charge allowed by law, whichever is less. Any attorney's fees, collection fees, arbitration fees, or other costs incurred in collection any delinquent account shall be paid by the event sponsor. No additional permits shall be processed and/or approved for an event sponsor that has any outstanding balance, until full payment of all monies due is received. (as added by Ord. #2017-1014, Nov. 2017)

16-509. Special Plan for Event Contingencies (SPEC). A written plan that attempts to establish safety procedures for dealing with a mass gathering is required for all mass gatherings. It must attempt to minimize injury, suffering, death, or damage to the environment that may result as a result of poor planning or preventable incidents during the event. The SPEC template shall be used as a guide for developing SPEC plans. The plan must provide for a sound command structure utilizing the National Incident Management System (NIMS) Incident Command System (ICS) and assign roles and responsibilities for the implementation of the plan during an emergency. (as added by Ord. #2017-1014, Nov. 2017)

16-510. Dissemination of SPEC. Special Plans for Event Contingencies (SPEC) will contain safety sensitive information and contact information that should remain confidential. Therefore, completed SPECs shall only be disseminated to all emergency and/or regular agencies that could possibly be required to assist. SPECs shall not be disseminated to the public or news media.

Evacuation routes, short term shelter locations, and .specific safety measures for events shall be posted and disseminated, as needed. (as added by Ord. #2017-1014, Nov. 2017)

16-511. Application process. (1) The application must be completed and submitted along with the non-refundable application fee to the city recorder's office at least thirty (30) days before the scheduled event. Applying for a special event or mass gathering permit does not grant authorization to conduct a special event or mass gathering.

(a) Upon receipt of the application, it shall be electronically forwarded to all involved or affected emergency and/or regular agencies and the city manager.

(b) Each involved or affected agency shall have ten (10) business days to review the application and complete their respective part of the SPEC.

(c) Once each involved or affected agency has completed their respective part of the SPEC (including required personnel, services, and equipment) it shall be electronically forwarded to emergency management for compilation.

(d) Emergency management shall have ten (10) business days to compile all agencies' information into the SPEC.

(e) Once the SPEC has been compiled, it shall be electronically forwarded to the city recorder's office.

(f) The city recorder shall then forward the SPEC requirements including all required types of services and equipment, insurance requirements, etcetera to the event sponsor.

(g) The event sponsor shall complete and execute any/all necessary contracts for services and/or equipment and appropriate certificates of insurance in accordance with this legislation and submit proof to the city manager at least five (5) business days before the scheduled event.

(h) Once all applicable requirements have been satisfactorily completed, the special event or mass gathering permit shall be signed by the city manager and then be issued to the event sponsor.

(2) The signed special event or mass gathering permit shall be kept on side and immediately available for inspection by the city manager or his/her designee during the entire special event or mass gathering, including set up and dismantling.

(3) The entire application packet shall be available electronically on the city website, in the city recorder's office, and park office. Included in this packet shall be the SPEC template, FDMA' s schedule of equipment rates, and the annual rate schedule of costs for personnel services.

(4) A repository for completed SPECs shall be available to authorized personnel. This will be located on emergency management's website and will be password protected.

(5) It is recognized that certain events may occur that could result in the inability of a group to meet the thirty (30) day application process for a parade. These events could include but may not limited to:

(a) A local ball team winning a championship;
(b) A local group winning a major award;
(c) A local military unit returning from active duty.

In these types of situations, the city manager shall have the authority to reduce the thirty (30) day application process provided that it does not result in extraordinary or exceptional demands being placed upon the regular and/or emergency agencies affected by the event. A special event or mass gathering permit and an adequate safety plan shall still be required for these types of events. (as added by Ord. #2017-1014, Nov. 2017)

16-512. Authority to alter, suspend, or terminate a special event. The city manager, emergency management director, police chief, fire chief, or their designee shall have the authority to cause the event sponsor to alter, suspend, or terminate any special event or mass gathering that is found to pose a significant threat to the health, safety, and/or welfare of the public or that is found to be in noncompliance with any part of this regulation or special event or mass gathering permit. (as added by Ord. #2017-1014, Nov. 2017)

16-513. Grievance procedures. Any/all appeals for permit denial, required types of services and equipment, insurance requirements, and etcetera shall be submitted in writing to the city manager at least fifteen (15) calendar days before the event. The city manager shall have ten (10) days to respond in writing to the appeal. (as added by Ord. #2017-1014, Nov. 2017)

16-514. Severability. Should any provision of this legislation be determined to be invalid, illegal, or unforeseeable by a court of competent jurisdiction, then such provisions shall be amended to make it valid, legal, and enforceable. The invalidity or unenforceability of any provisions shall not affect in any manner the other provisions herein contained, which remain in full force and effect. (as added by Ord. #2017-1014, Nov. 2017)

16-515. State of Tennessee guidelines for a mass gathering/ special event. that is to be conducted on any public or private property within the City of Mount Pleasant that is reasonably expected to simultaneously bring together five thousand (5,000) or more people than the State of Tennessee requirements for a mass gathering/special event must be complied with. See Tennessee Code Annotated, § 68-112-105. (as added by Ord. #2017-1014, Nov. 2017)

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER
1. REFUSE.
2. GARBAGE SERVICE FEE REGULATIONS.
3. OPEN BURNING.

CHAPTER 1

REFUSE

SECTION
17-101. Refuse defined.
17-102. Premises to be kept clean.
17-103. Storage.
17-104. Location of containers.
17-105. Disturbing containers.
17-106. Collection.
17-107. Collection vehicles.
17-108. Disposal.
17-109. Refuse collection service fee.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, ashes, rocks, concrete, bricks, medical waste, and similar materials are expressly excluded therefrom and shall not be stored therewith. (Ord. # 93-752, Nov. 1993)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1984 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this

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[1]Municipal code reference
Property maintenance regulations: title 13.

maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree limbs, brush, etc., shall be prepared by the owner or producer and deposited for collection by the city in accordance with such regulations as the city manager shall prescribe.

Such refuse as cardboard boxes and cartons may also be collected by the city although not stored in refuse containers if they are securely bundled together and otherwise prepared and deposited in accordance with regulations prescribed by the city manager. (1984 Code, § 8-203)

17-104. Location of containers. (1) Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection.

(2) Provided further, in the event that any owner, occupant or other responsible person whose residence is more than five hundred feet (500') from the nearest public street or roadway may request that their container be picked up at their residence, in which case an additional refuse collection service fee of seven dollars and fifty cents ($7.50) per month will apply. The residential pickup fee shall be added to the refuse collection service fee described in § 17-109 of the Mount Pleasant Municipal Code, and shall be billed and collected in the same manner thereof. In addition, any owner, occupant or responsible person utilizing this service shall be required to sign and deliver to the City of Mount Pleasant a release and indemnification in the form attached hereto as Exhibit "A"[1] and made a part hereof as if written herein. (1984 Code, § 8-204, as amended by Ord. #2011-925, May 2011)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit

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[1]Exhibit A "Release and Indemnification" is available in the office of the city recorder.

the use of public refuse containers for their intended purpose. (1984 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city manager shall designate. Collections shall be made regularly in accordance with an announced schedule.

The city will not collect refuse unless it is properly stored in accordance with the provisions of this chapter and such regulations as the city manager shall prescribe. (1984 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1984 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of commissioners is expressly prohibited. (1984 Code, § 8-208)

17-109. Refuse collection service fee. The following monthly fee schedule for refuse collection services within the city is hereby established:

RESIDENTIAL	One pick-up per week.	
	Regular customers:	$ 16.00 monthly
	Senior Citizens:	$ 14.50 monthly
COMMERCIAL	One pick-up per week	$ 40.00 monthly
	Three pick-ups per week	$110.00 monthly
	Five pick-ups per week	$150.00 monthly
INDUSTRIAL	One pick-up per week	$ 75.00 monthly
	Three pick-ups per week	$200.00 monthly
	Five pick-ups per week	$350.00 monthly

Commercial and industrial rates do not include the rental fee for the metal dumpster. This rental fee will be added to the collection fees shown above based on dumpster size.

The monthly fee shall be collected as a separate and distinct line item set forth in the monthly water and sewer bills mailed to the city water customers and is levied against all water accounts within the city. Billing and payment

terms as well as termination or discontinuance of service relative to nonpayment shall be in accordance with §§ 18-111 and 18-112 of the Mount Pleasant Municipal Code as detailed with respect to water and sewer bills. (1984 Code, § 8-209, modified, as amended by Ord. #2011-932, June 2011)

CHAPTER 2

GARBAGE SERVICE FEE REGULATIONS

SECTION

17-201. Definitions.
17-202. Applicability.
17-203. Billing.
17-204. Permit required.
17-205. Penalties.

17-201. Definitions. (1) "Apartment complexes." All apartment complexes or multifamily housing developments, (exclusive of condominium developments where the separate housing units are individually owned), which have or consist of multiple dwelling units, whether contiguous or not. Each sub-unit of an apartment complex or multifamily housing developments shall be considered to be a separate "residential unit."

(2) "Commercial unit." All premises, locations or entities, public or private, requiring garbage or refuse collection which are not within the definition of a residential unit or a small commercial unit.

(3) "Residential unit." A dwelling, including individually owned condominium units, within the corporate limits of the city occupied by a person or a group of persons comprising not more than one (1) family. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. Apartment dwelling(s) and multifamily housing developments, whether single or multi-level construction, of contiguous or separate single family dwelling units shall be treated as several and separate residential units, each apartment being a separate sub-unit, for the purposes of this chapter.

A "small commercial unit" shall consist of a premises, location or entity, public or private, requiring refuse collection within the corporate limits of the city which does not generate, on a sub-unit basis in the case of multi-unit small commercial units, more than one hundred ninety-two (192) gallons of waste or garbage for any sub-unit located therein within any seven day period and as to which all of the refuse, garbage, etc., generated. thereby on a weekly basis will fit into no more than two (2) ninety-six (96) gallon containers. For the purposes of this chapter a small commercial unit shall be defined to be and treated as a "residential unit." (Ord. #2009-905, Dec. 2009)

17-202. Applicability. Solid waste fees as outlined in this title shall be assessed all users, including commercial, industrial, residential and civic clubs, schools, churches or other church-owned properties or other properties where the solid waste service is available. No properties, residents, businesses, or organizations shall be exempt from the fees unless the unit is not connected to

either a public water service, natural gas service, or electricity service. No properties shall have the option of refusing the service or refusing to pay the basic solid waste fees assessed by the city unless service is provided by a permitted solid waste hauler as provided herein. Such fees may be altered, amended or changed by resolution or ordinance. Failure to pay solid waste fees assessed by the city shall further be grounds for termination of utility service. (Ord. #2009-905, Dec. 2009)

17-203. Billing. It shall be the responsibility of the director of public works to maintain a master billing register outlining the charges to residents, businesses and schools, churches or other church-owned properties. The city manager shall reconcile, or cause the reconciliation, of the billing register with the actual receipts on a quarterly basis and is authorized to make appropriate additions and deletions to the billing register at any time that the city manager becomes aware of any inconsistency. (Ord. #2009-905, Dec. 2009)

17-204. Permit required. It shall be unlawful for any solid waste hauler to operate within the city without a permit issued by the city manager. Permit fees to any solid waste hauler authorized to operate within the city by permit, including reporting and accounting for operations within the city by any such waste hauler, may be established or changed by resolution or ordinance. (Ord. #2009-905, Dec. 2009)

17-205. Penalties. Violators of the provisions of this chapter shall be cited to city court and shall be subject to a fifty dollar ($50.00) fine per day of violation. (Ord. #2009-905, Dec. 2009)

CHAPTER 3

OPEN BURNING

SECTION

17-301. Definitions.
17-302. Open burning prohibited.
17-303. Exceptions to prohibition.
17-304. Permits for open burning.
17-305. Penalties for failure to comply.

17-301. Definitions. (1) "Air curtain destructor" is a portable or stationary combustion device that directs a plane of high velocity forced draft air though a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain. The use of an air curtain destructor is considered controlled open burning subject to opacity requirements as stated elsewhere.

(2) "Air pollution emergency episode" is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.

(3) "Garbage" is defined as putrescible animal or vegetable waste resulting from the processing, storage, serving or consumption of food.

(4) "Open burning" is the burning of any matter under such condition that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(5) "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States government, or of the State of Tennessee government; or any other legal entity, or their legal representative, agent or assigns.

(6) "Refuse collection service" is a public or private operation engaged in rubbish and/or garbage collection, transportation and disposal in a registered sanitary landfill.

(7) "Registered sanitary landfill" is defined as one approved by the Tennessee Department of Health and Environment, Division of Solid Waste Management, to which a registration number has been assigned.

(8) "Rubbish" is defined as residential paper and cardboard products and packaging.

(9) "Wood waste" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose "disposition" by open burning fs to solely get rid of or destroy. Leaves that are not still on limbs are not considered wood waste.

(10) "Fuel oil" is defined as having a lower ignition temperature that kerosene. Kerosene has an ignition temperature of four hundred forty-four degrees Fahrenheit (444° F). (Kerosene/diesel fuel is acceptable.)

(11) "Air pollution emergency episode" is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.

(12) "Public nuisance" is defined as a condition of things which is prejudicial to the health, comfort, safety, property, sense of decency, or morals of the citizens at large, resulting either from an act not warranted by law, or from neglect of a duty imposed bylaw. (as added by Ord. #2013-969, Jan. 2013)

17-302. Open burning prohibited. (1) No personal shall cause, suffer, allow or permit open burning except as specifically exempted by § 17-303.

(2) Open burning except for the exemptions contained in § 17-303 will not be allowed in any area where the open burning would. interfere with the attainment or maintenance of the State of Tennessee air quality standards.

(3) No open burning shall be allowed in any non-attainment or additional control area that might be affected by applicable contaminants from such open burning, nor any location within one half (1/2) mile of such a non-attainment or additional control area.

(4) The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited.

(5) No open burning shall be allowed when the governor has placed a ban on open burning. (as added by Ord. #2013-969, Jan. 2013)

17-303. Exceptions to prohibition. Open burning, as listed below, may be conducted subject to specified limitations and provided further that no public nuisance is or will be created by such open burning. As a general rule, open burning will not be permitted except between sunrise until one (1) hour before sunset. Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result. This grant of exception shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning.

(1) Fires used for cooking of food or for ceremonial, recreational or comfort heating purposes, including barbecues and outdoor fireplaces. This exception does not include commercial food preparation facilities and their operation.

(2) Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband.

(3) Fires set by or at the direction of responsible fire control persons solely for training purposes; such as for fire service training at fire academies

or for local fire department training, or directed at the prevention, elimination, or reduction of fire hazards. However, routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of a fire hazard.

(4) Fires used to clear land consisting solely of vegetation grown on that land for agricultural, forest, or game management purposes. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

(5) Fires used to clear land when trees and brush are piled may require that an air curtain destructor be used when the amount or distance of such burn is less than five hundred feet (500') to an airport, hospital, nursing home, school, federal or state highway and/or residences. The fire chief or his designee will make the determination when the air curtain destructor is required.

(6) Fires disposing of "wood waste" solely for the disposition of such wood waste as provided in Tennessee Code Annotated, § 68-25-115(c). Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

(7) Fires for the burning of bodies of dead animals, including poultry, in accordance with Tennessee Code Annotated, § 44-2-1302, and where no other safe and/or practical disposal method exists.

(8) Smokeless flares or safety flares for the combustion of waste gases, provided other remaining applicable conditions of these regulations are met.

(9) Such other open burning as may be approved by the Tennessee Air Pollution Control Division where there is no other practical, safe, and/or lawful method of disposal. Documentation demonstrating where the general open burning regulations cannot be met must be submitted. (as added by Ord. #2013-969, Jan. 2013)

17-304. Permits for open burning. Open burning may be conducted only when authorized by a specific permit issued by the City of Mount Pleasant, Tennessee and approved in writing by the Mount Pleasant Fire Department before burning commences and then only when done in conformity with the following conditions and any special conditions and terms of the permit:

(1) Exempt from permits are § 17-303(1), (2) and (3).

(2) As a general rule, open burning will only be permitted between sunrise and until one hour before sunset.

(3) All materials to be burned must be dry and in all other respects be in a state to sustain good combustion.

(4) No fire shall be ignited while any air pollution emergency episode is in effect in the area of the burn.

(5) Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result.

(6) An open burning permit shall be subject to revocation if fire is deemed by the Mount Pleasant Fire Department to jeopardize public health or welfare, or create a public nuisance or safety hazard.

(7) Obtaining an open burning permit as required does not relieve any person of the responsibility to obtain a permit required by any other agency, or of complying with other requirements set forth by such agencies. (as added by Ord. #2013-969, Jan. 2013)

17-305. Penalties for failure to comply. Failure to obtain a valid open burning permit from the Mount Pleasant Fire Department or failure to adhere to the provisions and conditions of the issued permit shall be construed as a violation of this chapter and such corrective/punitive measures that may be deemed appropriate by the Mount Pleasant Fire Department. Schedule for equipment and manpower listed below with a one (1) hour minimum for each incident:

Fire Apparatus	$ 100.00 per hour per apparatus
Firefighters	$ 20.00 per hour per person
Support Vehicles	$ 20.00 per hour
Materials	At cost (as added by Ord. #2013-969, Jan. 2013)

TITLE 18

WATER AND SEWERS[1]

CHAPTER

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. WASTEWATER REGULATIONS.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWER SYSTEM ADMINISTRATION

SECTION

18-101. Application and scope.
18-102. Definitions.
18-103. Application and contract for service.
18-104. Service charges for temporary service.
18-105. Connection charges.
18-106. Water and sewer main extension.
18-107. Water and sewer main extension variances.
18-108. Meters.
18-109. Meter tests.
18-110. Multiple services through a single meter.
18-111. Customer billing and payment policy.
18-112. Termination or refusal of service.
18-113. Termination of service by customer.
18-114. Access to customers' premises.
18-115. Inspections.
18-116. Customer's responsibility for system's property.
18-117. Customer's responsibility for violations.
18-118. Supply and resale of water.
18-119. Unauthorized use of or interference with water supply.
18-120. Limited use of unmetered private fire lines.
18-121. Damages to property due to water pressure.
18-122. Liability for cutoff failures.
18-123. Restricted use of water.
18-124. Interruption of service.
18-125. Schedule of rates.

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[1]Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Ord. #2006-865, Oct. 2006)

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

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

(3) "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.

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

Additional definitions which are applicable to this chapter are set forth in chapter 2, § 18-202 of this title. (Ord. #2006-865, Oct. 2006)

18-103. Application and contract for service. (1) Each prospective customer desiring water and sewer service will be required to sign a standard form contract and pay a service deposit before service is supplied. Attached hereto and incorporated herein as Schedule A is a list of service deposits, connection charges, reconnection charges and rates with respect to water service. The service deposit shall be refundable if and only if the city cannot supply service in accordance with the terms of this chapter. 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 city for the expense incurred by reason of its endeavor to furnish such service.

(2) The receipt of a prospective customer's application for service, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant. (Ord. #2006-865, Oct. 2006)

18-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (Ord. #2006-865, Oct. 2006)

18-105. Connection charges. (1) Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

(2) Before a new water or sewer service line will be laid by the city, the applicant shall pay a nonrefundable connection charge. Attached hereto and incorporated herein as Schedule A is a list of service deposits, connection charges, reconnection charges and rates with respect to water service.

(3) When a service line is completed, the city 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 city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (Ord. #2006-865, Oct. 2006)

18-106. Water and sewer main extension. (1) Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

(2) All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

(3) Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (Ord. #2006-865, Oct. 2006)

18-107. Water and sewer main extension variances. (1) Whenever the board of commissioners is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of commissioners.

(2) The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (Ord. #2006-865, Oct. 2006)

18-108. Meters. (1) All meters shall be installed, tested, repaired, and removed only by the city.

(2) 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 city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (Ord. #2006-865, Oct. 2006)

18-109. Meter tests. (1) The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

(2) In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

(3) The city will also make tests or inspections of its meters at the request of the customer. However, if a test required by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

Meter Size	Test Charge
5/8", 3/4", 1"	$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

(4) If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (Ord. #2006-865, Oct. 2006)

18-110. Multiple services through a single meter. (1) No customer shall supply water service to more than one (1) dwelling, premise, duplex unit, apartment or other multiple dwelling unit from a single service line and meter without first obtaining the written permission of the city.

(2) Where the city allows more than one (1) dwelling, premise, duplex unit, apartment or other multiple dwelling unit to be served through a single service line and meter, the amount of water used by all the dwellings, premises, duplex units, apartments or other multiple dwelling units served through a single service line and meter shall be allocated to each separate dwelling, premise, duplex unit, apartment or other multiple dwelling unit served. The water charge of each such dwelling, premise, duplex unit, apartment or other multiple dwelling unit thus served shall be computed just as if each such dwelling, premise, duplex unit, apartment or other multiple dwelling unit had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling, premise, duplex unit, apartment or other multiple dwelling unit served through a single service line meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (Ord. #2006-865, Oct. 2006)

18-111. Customer billing and payment policy. (1) Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all customers of not less than ten (10) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all customers a late payment charge not to exceed ten percent (10%) for any portion of the bill paid after the net payment period.

(2) The customer's bill should be paid on or before the fifteenth day of each month in order to receive the net price on the monthly bill. Payments received after the fifteenth of each month, but prior to the twenty-fifth of each month, will incur a ten percent (10%) late penalty charge.

(3) If a customer fails to make payment by the twenty-fifth of each month, then an automatic twenty-five dollar ($25.00) service fee will be added. In addition thereto, the termination of services process as set forth in § 18-112, Termination or Refusal of Service shall be commenced.

(4) Payment must be received no later than the due date. If the due date falls on Saturday, Sunday or a city holiday, net payment will be accepted if paid on the next business day.

(5) Customers may receive an extension to pay their monthly bill upon written request to the city manager or the director of public works. To receive an extension, the customer must make the request at least two (2) days prior to the disconnect date and have justifiable cause. Further, the customer must pay fifty percent (50%) of the outstanding bill at the time the payment extension agreement is initiated and the remaining fifty percent (50%) within two (2)

weeks from said date. A request for a payment extension is limited to two (2) per year if based upon justifiable cause and a second request may not be made while an extension is in effect. Failure to abide with the terms and conditions of a payment extension request shall disqualify a customer from receiving another extension.

(6) If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2011-930, June 2011, and amended by Ord. #2012-942, March 2012, and Ord. #2017-1010, Oct. 2017)

18-112. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue water and sewer service or refuse to connect service for a violation of or a failure to comply with any of the following:

(a) These rules and regulations, including the nonpayment of bills;

(b) The customer's application for service;

(c) The customer's contract for service.

The right to discontinue service shall apply to all water and sewer services received through collective single connections or services, 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 (1) such customer or tenant.

(2) Termination of service. Written notice shall be provided to the customer before termination of water and/or sewer service according to the following terms and conditions:

(a) Written notice of the termination (cut-off) of water and/or sewer service shall be conspicuously provided on customer's bills and shall include the following information:

(i) Payment terms;

(ii) Late payment penalty;

(iii) Customer's right to hearing with information on how to request a hearing; and

(iv) Clear language regarding cut-off if not paid by a date certain.

In the event of a termination (cut-off) of water and/or sewer service for a reason other than the nonpayment of bills, a separate notice will be provided to the customer directly, or if the customer is not available, by notice left at a location conspicuous to the customer at the place of service.

(b) Each customer has the right to a hearing prior to termination of services. Customers shall be notified of their right to a hearing as provided in the preceding section. Hearings for service

termination, including for nonpayment of bills, will be held by appointment at city hall between the hours of 8:00 A.M. and 4:00 P.M. on any business day or by special request or appointment a hearing may be scheduled outside those hours.

(c) Termination will not be made on any preceding day when the water and/or sewer department is scheduled to be closed.

(d) If a customer does not request a hearing or in the case of nonpayment of a bill does not make payment of the bill or does not otherwise correct the problem that resulted in the termination in a manner satisfactory to the gas department, same shall proceed as noted on the customer's billing.

(e) Service termination for any reason shall be reconnected only after the payment of all charges due for all accounts the customer may have with the city, plus the payment of a reconnection charge.

(f) With respect to any customer whose service has been terminated and whose service has not been reinstated in accordance with the provisions hereof on or by the twenty-fifth day of the month following termination, the account for such customer shall be closed and any deposit related to such account shall be applied to delinquent bills, late penalty charges and service fees. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2011-931, June 2011)

18-113. <u>Termination of service by customer</u>. 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 city 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 city 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 city 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, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city 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. (Ord. #2006-865, Oct. 2006)

18-114. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (Ord. #2006-865, Oct. 2006)

18-115. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contact, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (Ord. #2006-865, Oct. 2006)

18-116. 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 city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (Ord. #2006-865, Oct. 2006)

18-117. Customer's responsibility for violations. Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so serviced. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (Ord. #2006-865, Oct. 2006)

18-118. Supply and resale of water. All water shall be supplied within the city exclusively by the city, 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 city. (Ord. #2006-865, Oct. 2006)

18-119. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (Ord. #2006-865, Oct. 2006)

18-120. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (Ord. #2006-865, Oct. 2006)

18-121. Damages to property due to water pressure. The city 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 city's water mains. (Ord. #2006-865, Oct. 2006)

18-122. Liability for cutoff failures. The city'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 city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city 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 city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (Ord. #2006-865, Oct. 2006)

18-123. Restricted use of water. In time of emergencies or in times of water shortage, the city 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. (Ord. #2006-865, Oct. 2006)

18-124. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city 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. (Ord. #2006-865, Oct. 2006)

18-125. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as they city may from time to time adopt by appropriate ordinance or resolution. Attached hereto and incorporated herein as Schedule A is a list of service deposits, connection charges, reconnection charges and rates with respect to water service.[1]

EXHIBIT 1
CITY OF MOUNT PLEASANT

Water Rates

RESIDENTIAL	
Minimum Monthly Charge*	
*includes 2000 gallons	$15.16
Unit Charge above 2000 gallons	$3.04
COMMERCIAL	
Minimum Monthly Charge*	
*includes 2000 gallons	$ 22.74
Unit Charge above 2000 gallons	$ 4.55

[1]Administrative ordinances and regulations are of record in the office of the city recorder.

INDUSTRIAL

Minimum Monthly Charge*	
*includes 2000 gallons	$30.33
Unit Charge above 2000 gallons	$6.07

- Residential deposits are based upon credit score
- Commercial & Industrial deposits are 2.5 times estimated monthly usage
- A multi-unit charge applies for each unit of a multi-unit dwelling or commercial complex building purchasing water through a single meter. There is a minimum bill for each separate unit.
- Late charge - late payment charge of 10% for any unpaid amount after the bill due date
- $25.00 disconnect fee due to non-payment plus collection and attorney fees if turned over to collections
- Return check fee $20.00
- Account transfer fee $25.00

TAP/METER FEES:

3/4" Inside City Limits	$1,500.00
3/4" Outside City Limits	$1,500.00
1" Inside City Limits	$2,000.00
1" Outside City Limits	$2,000.00
2" Inside City Limits	$3,000.00
2" Outside City Limits	$3,000.00
Boring Under Road Fee	$1,000.00

Larger Taps will be priced accordingly

City of Mount Pleasant

Sewer Rates

Minimum Monthly Charge*	
*includes 2000 gallons	$50.00
Unit Charge above 2000 gallons	$ 5.89

COMMERCIAL

Minimum Monthly Charge*	
*includes 2000 gallons	$ 61.95
Unit Charge above 2000 gallons	$ 8.15

INDUSTRIAL

Minimum Monthly Charge*	
*includes 2000 gallons	$150.00
Unit Charge above 2000 gallons	$ 8.15

(Ord. #2006-865, Oct. 2006, as amended by Ord. #2016-982, April 2016)

CHAPTER 2

WASTEWATER REGULATIONS

SECTION

18-201. Purpose and policy.
18-202. Definitions.
18-203. Connection to public sewers.
18-204. Septic tank effluent pump or grinder pump wastewater systems.
18-205. Private domestic wastewater disposal.
18-206. Regulation of holding tank waste disposal or trucked in waste.
18-207. Discharge regulations.
18-208. Application for domestic wastewater connection and industrial wastewater discharge permits.
18-209. Industrial user monitoring, inspection reports, records access, and safety.
18-210. Enforcement and abatement.
18-211. Fees and billing.
18-212. Validity.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Mount Pleasant, Tennessee wastewater treatment system. The objectives of this chapter are:

(1) To protect the public health;

(2) To provide problem free wastewater collection and treatment service;

(3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;

(4) To provide for full and equitable distribution of the cost of the wastewater treatment system;

(5) To enable the city to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 C.F.R. part 403), and the Tennessee Water Quality Control Act, Tennessee Code Annotated, § 69-3-123, et seq.;

(6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the city must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where

the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities, and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the municipal wastewater treatment system. Except as otherwise provided herein, the local administrative officer of the city shall administer, implement, and enforce the provisions of this chapter. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

(2) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(3) "Authorized representative of industrial user." An authorized representative (for signatory requirements for industrial user reports) of an industrial user shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports (required by paragraphs (2), (4), and (5) of Tennessee Rule 1200-4-14-.12(12)) is a corporation. For the purpose of this section, a responsible corporate officer means:

(i) A 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 which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports (required by paragraphs (2), (4), and (5) of Tennessee Rule 1200-4-14-.12) is a partnership or sole proprietorship, respectively;

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual designated in subsections (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under Tennessee Rule 1200-4-14-.12(12)(c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Tennessee Rule 1200-4-14-.12(12)(c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(4) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. (Tennessee Rule 1200-4-14.03(1))

(5) "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 (20°) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(6) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(7) "Categorical standards." The national categorical pretreatment standards or pretreatment standard.

(8) "City." The City of Mount Pleasant or the board of commissioners.

(9) "Commissioner." The commissioner of the Department 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.

(10) "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 city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(11) "Commercial customer." Shall mean any business or company that sells goods or services to the general public whose wastewater stream contains compatible pollutants only, as defined in item (10) above. Educational facilities whose wastewater stream contains compatible pollutants only will be considered as commercial customers as well.

(12) "Cooling water." The discharge from air conditioning, cooling or refrigeration, or to which the only pollutant added is heat. Water used for cooling which does not come into direct contact with raw material, intermediate product, waste product, or finished product.

(13) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the local hearing authority if the city has an approved pretreatment program under the provisions of 40 C.F.R. 403.11.

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

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

(16) "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.

(17) "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.

(18) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(19) "Grab sample." A sample which is taken from a waste stream on a one (1) 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.

(20) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building.

(21) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or less and is located inside the building.

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

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

(24) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 17), into the POTW (including holding tank waste discharged into the system).

(25) "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. 42).

(26) "Industrial customer." Shall mean any business or company that manufactures or warehouses goods whose wastewater stream contains compatible pollutants and/or incompatible pollutants, as defined in items (10) and (23) above. Commercial customers whose wastewater stream contains incompatible pollutants (or compatible pollutants at excessive concentrations) will be automatically considered as industrial customers, and charged the industrial rate for wastewater discharges. Additionally, the commercial customer may be required to be permitted as an industrial customer (as determined by the superintendent).

(27) "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.

(28) "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.

(29) "Interference." Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system. (1200-4-14-.03)

(30) "Local administrative officer." The chief administrative officer of the local hearing authority: the sewer system operations manager ("system manager").

(31) "Local hearing authority." The board of commissioners or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-210.

(32) "National pretreatment standard," "pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act (33 U.S.C. 47), which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 1200-4-14-.05.

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

(34) "New source" means:

(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 Federal 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 integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source 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 section 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 section.

(35) "Non-domestic, non-industrial water." Water which may be utilized by a person for irrigation, agricultural or recreational purposes which does not enter or contribute to Mount Pleasant's wastewater stream.

(36) "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(37) "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.

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

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

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

(41) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, biological processes, process changes or by other means, except as prohibited by Tennessee Rule 1200-4-14-.06(4) or through dilution as prohibited by 40 C.F.R. section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 1200-4-14-.06(5).

(42) "Pretreatment coordinator." The person designated by the local hearing authority or its authorized representative to supervise the operation of the pretreatment program.

(43) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

(44) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned, in this instance, by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city users of the city's POTW. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharge to and the discharge from such a treatment works.

(45) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(46) "Residential customer." Shall mean any single or multi family homes, apartments, duplexes, triplexes, condominiums, trailers, or other dwelling units (deemed "residential" by the system manager whose wastewater stream contains compatible pollutants only, as defined in item (9).

(47) "Shall" is mandatory; "may" is permissive.

(48) "Significant industrial user." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. 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 POTW (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 C.F.R. 403.12(f) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 C.F.R. 403.8(f)(6)).

(49) "Significant noncompliance." See 40 C.F.R. 403.8(f)(2)(viii) and Tennessee Rule 1200-4-14-.08(6)(b)8. Comply with the public participation requirements of 40 C.F.R. part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates

subsections (iii), (iv), or (viii) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined in Tennessee Rule 1200-4-14.03(1);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) 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, as defined by Tennessee Rule 1200-4-14-.03(1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required by this rule;

(c) Any other violation of a pretreatment standard or requirement as defined by Tennessee Rule 1200-4-14-.03 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW 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 human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Tennessee Rule 1200-4-14-.08(6)(a)6(ii) 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 POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(50) "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 violates the POTW's regulations, local limits, or permit conditions; or any

discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(51) "State." The State of Tennessee.

(52) "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.

(53) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(54) "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 system manager.

(55) "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.

(56) "Superintendent." The local administrative officer or the 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.

(57) "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 C.W.A. 307(a) or other Acts.

(58) "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.

(59) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(60) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(61) "Wastewater treatment systems." Defined the same as POTW.

(62) "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.

(63) "WWF treatment plant" means that portion of the wastewater facilities which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. When "WWF" is used, it has the same definition as "POTW." (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-203. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal ofsewage.

(d) Except as provided in § 18-203(1)(e) below, and subject to any state mandated moratorium the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and upon a lot or property of one (1) acre or less in size 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 public sewer in accordance with the provisions of the chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') of the property line over public access. The city shall install up to one hundred feet (100') of sewer service line from a sewer main to serve property owners as consideration for the within described connection fee. Provided further, sewer service shall be considered available where the first floor of the building above or on ground level can be served in accordance with the city's rules and regulations and general practices. All costs of installation over one hundred feet (100') to serve the property shall be reimbursed by the property owner.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that it obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected

to a private sewage disposal system complying with the provisions of § 18-205 of this chapter.

(2) 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 city shall make all connections to the public sewer and will install service lines to the property of the owner after first submitting a connection application and payment of the connection to the city as required by § 18-208 of this chapter.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the system manager. The connection fee shall be paid to the city at the time the application is filed.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Buildings, or structures, under one (1) continuous roof may be deemed to be a single building, i.e. duplexes, apartments, attached garages, etc.

(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 system manager.

(e) Building sewers shall, if necessary in the opinion of the system manager, conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows:

Conventional sewer system - four inches (4").
Small diameter gravity sewer - two inches (2").
Septic tank effluent pump - one and one-quarter inches (1-1/4").

Existing septic tanks shall not become an integral part of the collection and treatment system unless they are first proven and tested to be completely water tight by specifications of the consulting engineer of the wastewater system. The minimum size influent line of septic tanks shall be four inches (4") and the minimum size of septic tank shall be one thousand five hundred

(1,500) gallons. Septic tanks shall be constructed of water tight material and protected from flotation. The city shall have the right, privilege, and authority to locate, inspect, operate, and maintain septic tanks which are an integral part of the collection and treatment system.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades:
Four inch (4") sewers - one-eighth inch (1/8") per foot. (one percent (1%) grade)
Two inch (2") sewers - three-eighths inch (3/8") per foot. (three percent grade (3%) grade)

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of ductile iron pipe class 50, or above, with sewer lining such as a forty (40) millimeter thickness of polyethylene or equivalent or polyvinyl chloride pipe SDR-35 (or Schedule 40) for gravity sewers and SDR-21 for pressure sewers. Joints shall be rubber or neoprene "o" ring compression joints. Glued joints may be acceptable for six inch (6") lines or less. No other joints shall be acceptable.

(vi) A cleanout shall be located five feet (5') outside of the building, one (1) as it crosses the property line and one (1) at each change of direction of the building sewer which is forty-five degrees (45°) or greater. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") or 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. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall be of the same size as the pipe they are serving or are connected.

(vii) Connections of building sewers to the public sewer system shall be made only by the city 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. Fernco boot with stainless steel screw type clamps may also be allowed for connections in the discretion of the system manager. 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. Taps on the main line may be installed by utilizing a rotary cutter and sealed tee or wye fittings. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a step or grinder pump and discharged to the building sewer at the expense of the owner, pursuant to § 18-204.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Environment Federation Manual of Practice FD-5. 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 city.

(g) Drains. 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 building sewer connection to the public sewer and all building sewers from the building to the public sewer lateral at the city's cleanout shall be inspected and tested before the underground portion is covered by the city's building inspector or his authorized representative (who must be a certified plumbing inspector), in accordance with the International Plumbing Code. The lateral sewer connection to the sewer main line and all line installed by the city to serve the

property, normally installed to the cleanout installed at the property line, shall be inspected by the system manager or his designated representative.

(ii) The applicant for discharge shall notify the city building inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city building inspector or his representative and by the system manager or his representatives as appropriate.

(3) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the system manager to meet specifications of the city. Users failing to maintain or repair building sewers or who allow storm water to enter the sanitary sewer may face enforcement action by the system manager up to and including discontinuation of water and sewer service.

(4) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the system manager. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works. Contractors must provide the system manager with 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 system manager. The system manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-204. 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, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the City of Mount Pleasant.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the city.

(b) Pumps must be approved by the city and shall be maintained by the city.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the city. Installation shall follow design criteria for STEP and GP systems as provided by the system manager.

(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 city and connection will be made to the city sewer only after inspection and approval of the city.

(4) Ownership and easements. Homeowners or developers shall provide the city with ownership and an easement. Access by the city 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 system manager.

(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 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 city. However, pumping required more frequently than once every five (5) years shall be billed to the homeowner.

(7) Additional charges. The city shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for identical problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-205. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth inch (1/8") per foot in the building sewer but is otherwise accessible to a public sewer

as provided in § 18-203, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the system manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the county health department and/or the approval authority as appropriate.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the city and the county health department and/or the approval authority as appropriate. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the county health department and/or the approval authority as appropriate.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and the county health department and/or the approval authority as appropriate. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the city and the county health department and/or the approval authority as appropriate when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and the county health department and/or the approval authority as appropriate.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the city and the county health department and/or the approval authority as appropriate. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city. When the public sewer becomes available, the building sewer, or the septic tank effluent line if approved at the discretion of the system manager, shall be connected to the public sewer within ninety (90) days of the date of availability and the private sewage disposal system should be cleaned of sludge and, if no longer used as a part of the city's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department and/or the approval authority as appropriate. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-206. Regulation of holding tank waste disposal or trucked in waste. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the system manager when the conditions of this chapter have been met and providing the system manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in § 18-211. Any such permit granted shall be for one (1) fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The system manager may designate one (1) or more approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The system manager may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the system manager. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Mount Pleasant.

(5) Trucked in waste. No waste material or cleaning waste will be allowed from trucks, railcars, barges, etc., or temporally pumped waste without written approval by the system manager. This approval may require testing, flowing monitoring and record keeping or the issuance of an industrial pretreatment permit. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interference with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of general and specific prohibitions may result in discontinuance of water and/or sewer service and other fines and provisions as provided in § 18-210. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited flammable materials including, but not limited to, wastestreams with a closed cap flash point of less than one hundred forty degrees (140°) Fahrenheit or sixty degrees (60°) centigrade using the test methods specified in 40 C.F.R. 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 any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 6.0 or higher than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(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: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hides, or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper,

wood, plastics, mud, glass grinding, polishing wastes and hair or whole blood from slaughterhouses.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life, and are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) 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 POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act. Any "pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems" as required by Tennessee Rule 1200-4-14-.05(2)(g).

(h) Any trucked or hauled pollutants except at discharge points designated by the POTW.

(i) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, 40 C.F.R. 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.

(j) Any substances which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(k) 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.

(l) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference,

but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40°) centigrade (one hundred four degrees (104°) Fahrenheit).

(m) In regards to slug discharges, 40 C.F.R. part 403.8(t)(2)(vi) requires all POTWs to evaluate each industry's need to develop a slug control plan. The pretreatment coordinator will determine this need for each individual industry during his annual inspection of industries, and for new industries during his initial inspection of the new industry. Mount Pleasant POTW will accept non-routine batch discharges as long as the user gets approval from the system manager prior to discharging and controls the release. See "slug discharge" definition in § 18-202(50).

(n) Any waters containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the system manager 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 fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in 18-26 pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet, only upon approval of the Tennessee Department of Environment and Conservation.

(2) When specific limits must be developed by the POTW. (a) Each POTW developing a POTW pretreatment program pursuant to Tennessee Rule 1200-4-14-.08 shall develop and enforce specific limits to implement the prohibitions listed in § 18-207(1). Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

(b) All other POTWs shall, in cases where pollutants contributed by user(s) result in interference or pass through, and such violation is likely to recur, develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

(c) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(d) POTWs may develop Best Management Practices (BMPs) to implement subsections (a) and (b) of this section. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this rule chapter.

(3) Local limits. Where specific prohibitions or limits on pollutant parameters are developed by a POTW in accordance with § 18-207(2), such limits shall be deemed pretreatment standards for the purposes of this rule chapter. See Table A - User Discharge Restrictions for current local limits.

(4) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in § 18-207, Table B - Plant Protection Criteria, unless specifically allowed by their discharge permit local limits (§ 18-207, Table A - User Discharge Restrictions). Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

(5) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be provided when, in the opinion of the system manager, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount 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 system manager, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, 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.

(ii) 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 system manager determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the system manager the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) 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 system manager the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) 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 shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall 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 system manager 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.

(d) 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 one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the International Plumbing Code and Tennessee Department of Environment and Conservation engineering standards. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law.

The city retains the right to inspect and approve installation of control equipment.

(f) The system manager may use industrial wastewater discharge permits under § 18-206 to regulate the discharge of fat, oil and grease.

Table A - User Discharge Restrictions
Lagoon System - Industrial Local Limits

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Copper	0.5581	N/A
Chromium	0.4588	N/A
Nickel	0.5800	N/A
Cadmium	0.0136	N/A
Lead	0.1666	N/A
Mercury	0.0018	N/A
Silver	0.0150	N/A
Zinc	0.3130	N/A
Cyanide	N/A	0.2450
Toluene	N/A	0.1825
Benzene	N/A	0.0140
1,1,1 Trichloroethane	N/A	0.2990
Ethylbenzene	N/A	0.0293
Carbon tetrachloride	N/A	0.0365
Chloroform	N/A	0.4200
Tetrachloroethylene	N/A	0.1240
Trichloroethylene	N/A	0.0990
1,2 Trans Dichloroethylene	N/A	0.0065
Methylene chloride	N/A	0.1903
Phenols (total)	N/A	0.1831
Naphthalene	N/A	0.0100
Phthalates (total)	N/A	0.3137
BOD	N/A	274.00**
Suspended solids	N/A	543.00**

* Based on twenty-four (24) hour flow proportional composite samples.
**Based on twenty-four (24) hour flow proportional composite samples. In cases where wastewater streams contain sanitary wastewater, a combined waste stream formula will be used to develop the local limit for BOD and suspended solids and limits on these parameters shall be sampled as a daily average maximum concentration.
BDL = Below Detectable Limits

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in the following table. (§ 18-207, Table B - 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 POTW reaches or exceeds the levels established by this table, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria
Lagoon System

Parameter	Maximum Concentration (mg/l) (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) Grab Sample
Copper	0.2424	N/A
Chromium	0.1875	N/A
Nickel	0.2400	N/A
Cadmium	0.0075	N/A
Lead	0.0686	N/A
Mercury	0.0008	N/A
Silver	0.0100	N/A
Zinc	0.1700	N/A

Parameter	Maximum Concentration (mg/l) (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) Grab Sample
Cyanide	N/A	0.1000
Toluene	N/A	0.0750
Benzene	N/A	0.0060
1,1,1 Trichloroethane	N/A	0.1200
Ethylbenzene	N/A	0.0121
Carbon tetrachloride	N/A	0.0150
Chloroform	N/A	0.1700
Tetrachloroethylene	N/A	0.0500
Trichloroethylene	N/A	0.0400
1,2 Trans Dichloroethylene	N/A	0.0030
Methylene chloride	N/A	0.0781
Phenols (total)	N/A	0.0892
Naphthalene	N/A	0.0018
Phthalates (total)	N/A	0.1316
BOD	N/A	213.00
Suspended solids	N/A	273.00

Table C - Surcharge and Maximum Limits

Parameter	Surcharge Limit (mg/l)	Maximum Concentration (mg/l)
Oil and grease	50.00	100.00
Ammonia	25.00	30.00
BOD	213.00	274.00
Suspended solids	273.00	543.00

Surcharge fees are as shown in § 18-211(2)(d).

(7) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular

industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The pretreatment coordinator shall notify all affected users of the applicable reporting requirements under 40 C.F.R., section 403.12.

(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 more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(9) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this 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. Any person causing or suffering from any accidental 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 POTW, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence. Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law. As required by Tennessee Rule 1200-4-14.12(6), industrial customers are required to notify the POTW and pretreatment coordinator of any potential problems, including slug

loading. All categorical and non-categorical industrial users shall notify the POTW and pretreatment coordinator immediately of all discharges that could cause problems to the POTW, including any slug loadings.

(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. In lieu of placing notices on bulletin boards, the users may submit an approved SPIC. Each user shall annually certify to the pretreatment coordinator compliance with this section. (Ord. #2006-865, Oct. 2006, as amended by Ord. #2007-875, Sept. 2007, and replaced by Ord. #2009-899, Oct. 2009, and Ord. #2010-917, Oct. 2010)

18-208. Application for domestic wastewater connection and industrial wastewater discharge permits. (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the system manager for connection to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received by the city and approved by the system manager, the building sewer is installed in accordance with § 18-201 of this chapter and an inspection has been performed by the system manager or his representative, and all applicable fees have been paid. Attached hereto and incorporated herein as Schedule B is a list of application fees, permit fees, industrial pretreatment and/or user fees, tap fees and applicable service charges.

The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall submit an application according to the schedule in (b)(i).

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator an application on a prescribed form accompanied by the

appropriate application fee. Existing users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least sixty (60) days prior to connecting to or contributing to the POTW. Attached hereto and incorporated herein as Schedule B is a list of application fees, permit fees, industrial pretreatment and/or user fees, tap fees and applicable service charges.

(ii) The application shall be in the prescribed form of the city and shall include but not be limited to the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in § 18-207(1) and (2) 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; plans for sampling pit and primary device, FOG (Fats, Oils, and Grease) plans, SPCC (Spill Prevention Controls and Countermeasures) plans, 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. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this 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 section, "pretreatment standard" shall include

either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The 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.

(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 city.

(i) Both individual and general control mechanisms (all permits) must be enforceable and contain, at a minimum, the following conditions:

(A) Statement of duration (in no case more than five (5) years);

(B) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(C) Effluent limits, including best management practices, based on applicable general pretreatment standards as shown in Tennessee Rule 1200-4-14-.03(1), categorical pretreatment standards, local limits, and state and local laws;

(D) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither

present nor expected to be present in the discharge in accordance with Tennessee Rule 1200-4-14-.12(5)(b), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards as shown in Tennessee Rule 1200-4-14-.03(1), categorical pretreatment standards, local limits, and local laws;

(E) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and

(F) Requirements to control slug discharges, if determined by the POTW to be necessary.

(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 inspections and sampling facilities; schedules;

(C) Requirements for submission of technical reports or discharge reports;

(D) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(E) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(F) Requirements for notification of slug discharges and spill control plan;

(G) Effluent mass loading restrictions;

(H) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit revision. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the pretreatment coordinator within one hundred eighty (180) days after the promulgation of an applicable federal

categorical pretreatment standard the information required by §§ 18-208(2)(b)(ii) and (iii).

(e) 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 thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(g) 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 written approval of the city. 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.

(h) Revocation of permit. Any permit issued under the provisions of the 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, questionnaire, permit application, 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 city'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. The user must clearly and permanently mark each item of information that is being claimed as confidential at the time of submission.

(4) Legal authority, POTW pretreatment requirements. A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this rule chapter. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by state law. At a minimum, this legal authority shall enable the POTW to: Control through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under definition of "significant industrial user" in rule 1200-4-14-.03(1), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each user except as follows: Both individual and general control mechanisms (all permits) must be enforceable and contain, at a minimum, the following conditions:

(a) Statement of duration (in no case more than five (5) years);

(b) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(c) Effluent limits, including best management practices, based on applicable general pretreatment standards as shown in Tennessee Rule 1200-4-14-.03(1), categorical pretreatment standards, local limits, and state and local laws;

(d) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Tennessee Rule 1200-4-14.12(5)(b), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards as shown in Tennessee Rule 1200-4-14-.03(1), categorical pretreatment standards, local limits, and local laws;

(e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and

(f) Requirements to control slug discharges, if determined by the POTW to be necessary. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-209. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users when necessary in the opinion of the system manager. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator. The monitoring facility may be required to:

(a) Contain a primary device for accurate flow measurement of all flow ranges of the industry;

(b) Provide for electrical service to the primary device; and

(c) Be located at a point outside of the security fencing, or if none, outside the discharging source building(s) of the industry at a point accessible by the city for monitoring so as to be monitored by the city without entry through the gate of the plant. All designs for primary devices and monitoring facilities shall be stamped and dated by a professional engineer licensed to practice in Tennessee.

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 and all facility fencing, if any. 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) Inspection and sampling. The city 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 city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. Industrial users shall be required to conduct representative sampling as required in Tennessee Rule 1200-4-14-.12(7)(c). All industrial users are required to submit all monitoring data as required in Tennessee Rule 1200-414-.12(7)(f).

(3) Compliance date report. Report 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 POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in Tennessee Rule 1200-4-14-.12(2)(d-f). For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Tennessee Rule 1200-4-14-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial 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.

(4) Baseline reports. (a) Reporting requirements for industrial users upon effective date of categorical pretreatment standard --- baseline report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days

after the final administrative decision made upon a category determination submission under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in subsections (i) - (vii) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subsections (i) through (v) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (iv) and (v) of this section:

(i) Identifying information. The user shall submit the name and address of the facility, including the name of the operators and owners;

(ii) Permits. The user shall submit a list of any environmental control permits held by or for the facility;

(iii) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(iv) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(A) Regulated process streams; and

(B) Other streams as necessary to allow use of the combined wastestream formula as shown in Tennessee Rule 1200-4-14.06(5). (See subsection (v)(D) of this section.) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(v) Measurement of pollutants. (A) The user shall identify the pretreatment standards applicable to each regulated process;

(B) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge

from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

(C) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section;

(D) 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 of Tennessee Rule 1200-4-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(E) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto. Where 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator;

(F) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(G) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is

representative of normal work cycles and expected pollutant discharges to the POTW.

(vi) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Tennessee Rule 1200-4-14-.12(12)) and certified to 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 for the industrial user to meet the pretreatment standards and requirements; and

(vii) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(A) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (as shown in Tennessee Rule 1200-4-14-.07), the combined wastestream formula (as shown in Tennessee Rule 1200-4-14-.06(5)), and/or a fundamentally different factors variance (as shown in Tennessee Rule 1200-4-14-.13) at the time the user submits the report required by paragraph (a) of this rule, the information required by subsections (vi) and (vii) of this section shall pertain to the modified limits.

(B) If the categorical pretreatment standard is modified by a removal allowance (as shown in Tennessee Rule 1200-4-14.07), the combined wastestream formula (as shown in Tennessee Rule 1200-4-14-.06(5)), and/or a fundamentally different factors variance (as shown in Tennessee Rule 12004- 14-.13) after the user submits the report required by paragraph (a) of this rule, any necessary amendments to the information requested by subsections (vi) and (vii) of this section shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(5) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the pretreatment coordinator by the end of the months of March and September, or according to permit requirements, unless required more frequently in the pretreatment standard or by the pretreatment coordinator, a report indicating the

nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements. In accordance with 40 C.F.R. 403.12 (g)(2), the user's report shall contain a record of the measured or estimated average daily flows for the reporting period.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the pretreatment coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the pretreatment coordinator may agree to alter the months during which the above reports are to be submitted.

(b) The pretreatment coordinator may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the pretreatment coordinator of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(h) of the Act and contained in 40 C.F.R. part 136, and amendments thereto. Sampling shall be performed in accordance with the sampling requirements as outlined in Tennessee Rule 1200-414-.12(7)(c) and (d).

(6) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;

(b) The dates analysis were performed;

(c) Who performed the analysis;

(d) The analytical techniques/methods used; and

(e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the pretreatment coordinator, Director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation or the Environmental Protection Agency. This period of retention

shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the pretreatment coordinator, the approval authority, or the Environmental Protection Agency.

(7) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(8) New sources. New sources of discharges to the POTW shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance with effluent standards within ninety (90) days of start up of the industrial process or such other time frame as established by the system manager.

(9) Reporting violations. If sampling performed by the industrial user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

(a) The control authority performs sampling at the industrial user at a frequency of at least once per month; or

(b) The control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling.

(10) Slug discharges. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 1200-4-14-.05(2), with procedures for follow-up written notification within five (5) days;

(d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas,

handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(11) Significant noncompliance. Comply with the public participation requirements of 40 C.F.R. part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates subsections (c), (d) or (h) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 1200-4-14-.03(1);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) 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, as defined by 1200-4-14-.03(1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required by this rule;

(c) Any other violation of a pretreatment standard or requirement as defined by 1200-4-14-.03 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW detetmines has caused, alone or in combination with other discharges, interference or pass through (including endangering health of POTW 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 POTW's exercise of its emergency authority under subpart (6)(a)6(ii) of this rule 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 the 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; and/or

(h) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(12) Periodic reports on continued compliance. (a) Any industrial user subject to a categorical pretreatment standard (except a non-significant categorical industrial user as defined in subparagraph (b) in the definition of "Significant Industrial User" as shown in Tennessee Rule 1200-4-14-.03(1)), after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Tennessee Rule 1200-4-14.12(2)(d) except that the control authority may require more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are submitted.

(b) The control authority may authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(i) The control authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary

wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five (5) years. The user must submit a new request for waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with subsection (a) of this section, and include the certification statement in Tennessee Rule 1200-414-. 06(1)(b)2. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 C.F.R. part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the control authority must be included as a condition in the user's control mechanism. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for three (3) years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the user's control mechanism by the control authority, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 C.F.R. (specify applicable National Pretreatment Standard part(s)), I certify that, to the best of my knowledge and belief, there has been no increase in the level of (list pollutant(s) in the wastewaters due to the activities at the facility since filing of the last periodic report under Tennessee Rule 1200-4-14-.12(5)(a)).

(vi) In the event a waived pollutant is found to be present or is expected to be present based on changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of subsection (a) of this section or other

more frequent monitoring requirements imposed by the control authority, and notify the control authority.

(vii) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(c) Where the control authority has imposed mass limitations on industrial users as provided for by Tennessee Rule 1200-4-14-.06(4), the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(d) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Tennessee Rule 1200-4-14-.06(3), the report required by subsection (a) of this section shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (a) of this section shall include the user's actual average production rate for the reporting period.

(13) Monitoring and analysis, violations and repeat sampling and analysis. If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

(a) The control authority performs sampling at the industrial user at a frequency of at least once per month; or

(b) The control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling.

(14) Monitoring and analysis to demonstrate continued compliance. The reports required in paragraphs (2), (4), (5), and (8) as shown in Tennessee Rule 1200-4-14-.12 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total

phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 C.F.R. 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 control authority, as appropriate.

(15) Specifying the number of grab samples required by control authority. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in paragraphs (2) and (4) of Tennessee Rule 1200-4-14-.12, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by paragraphs (5) and (8) of Tennessee Rule 1200-4-14-.12, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(16) Significant industrial users must submit documentation to show compliance with best management practices, reporting requirements for industrial users not subject to categorical pretreatment standards. The control authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users must submit to the control authority at least once every six (6) months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the control authority to determine the compliance status of the user. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 C.F.R. part 136 and amendments thereto. This sampling and analysis may be performed by the control authority in lieu of the significant noncategorical industrial user.

(17) Signatory requirements for industrial user reports. The reports required by Tennessee Rule 1200-4-14-.12, paragraphs (2), (4), and (5) shall include the certification statement as set forth in 1200-4-14-.06(1)(b)2, and shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required by Tennessee Rule 1200-4-14-.12, paragraphs (2), (4), and (5) is a corporation. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy-making 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 which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports required by Tennessee Rule 1200-4-14-.12, paragraphs (2), (4), and (5) is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subparagraph (16)(c) of this rule is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall

responsibility for environmental matters for the company, a new authorization satisfying the requirements of subparagraph (16)(c) of this rule must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(18) Documentation associated with best management practices must be retained for at least three (3) years. The following recordkeeping requirements apply: any industrial user or POTW subject to the reporting requirements established in this rule (including documentation associated with best management practices) shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this rule) and shall make such records available for inspection and copying by the director and the regional administrator (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the director or the regional administrator.

(19) Notification of changed discharge. All industrial users shall promptly notify the control authority (the POTW) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Tennessee Rule 1200-4-14-.12(6).

(20) The industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state (TDEC) 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 Tennessee Rule 1200-1-11.

(a) Such notification must include the name of the hazardous waste as set forth in Tennessee Rule 1200-1-11, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial 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 within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed

discharges must be submitted under Tennessee Rule 1200-4-14-.12(10). The notification requirement in this rule does not apply to pollutants already reported under the self-monitoring requirements of Tennessee Rule 1200-4-14-.12 (2), (4), and (5).

(b) Dischargers are exempt from the requirements of subsection (a) of this section 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 Tennessee Rule 1200-1-11-.02(4)(a) and (d). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Tennessee Rule 1200-1-11-.02(4)(a) and (4)(d), requires a one (1) time notification. Subsequent months during which the industrial 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 industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and state (TDEC) 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 industrial 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. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-210. <u>Enforcement and abatement</u>. (1) <u>Complaints; notification of violation; orders</u>.

(a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the pretreatment program of the City of Mount Pleasant or orders of the local hearing authority issued pursuant thereto 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 thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such 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 person or persons named therein request by written petition a hearing before the local hearing authority as provided in § 18-210(2), no later than thirty (30) days after the date such order is served; provided, that the local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments.

(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 city or its agent may serve upon said user a written notice of violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the pretreatment coordinator. 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 shall limit the authority of the city 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 (1) of the following orders. These orders shall not be 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 stated, 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 such remedial or preventive action as may be needed 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. 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 POTW, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the local administrative officer deems necessary to meet the emergency.

(E) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take such 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 local administrative officer 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 such 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 person affected thereby personally, by the local administrative officer or any person designated by the local administrative officer, or such 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:

(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 such 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 herein provided 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 in order to conduct the hearing herein provided;

(iii) A verbatim record of the proceedings of such hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made pursuant to subsection (a)(vi). The transcript so recorded 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 the county in which the pretreatment agency is located shall have jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring such person to appear and testify or produce evidence as the case may require, and any failure to obey such 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 such decisions and orders as, in its opinion, will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chair;

(vii) The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (b); and

(viii) Any person to whom an emergency order is directed pursuant to § 18-210(1) shall comply therewith immediately, but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such 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, including the pretreatment agency, who is or may be adversely affected thereby, to the chancery court pursuant to the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user which 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 such 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. Such 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--civil penalty. See the attached Enforcement Response Guide for specific penalties and fines for twenty-eight (28) types of noncompliance. The Enforcement Response Guide consists of nine (9) pages

including the cover sheet. The Enforcement Response Guide is incorporated herein as if copied verbatim as Schedule C. Said Enforcement Response Guide may be revised from time to time by appropriate ordinance or resolution adopted by the city.

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions shall be 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) Violates an effluent standard or limitation;

(B) Violates the terms or conditions of a permit;

(C) Fails to complete a filing requirement;

(D) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(E) Fails to pay user or cost recovery charges;

(F) Violates a final determination or order of the local hearing authority or the local administrative officer;

(G) Falsifies information; or

(H) Tampers with or knowingly renders inaccurate monitoring devices.

(ii) Any civil penalty shall 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 such 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 shall be deemed to have consented to the assessment and it shall become 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 such judgment and the court, in such proceedings, shall treat a failure to appeal such 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. See Enforcement Response Guide, Schedule C.

(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.

(3) Violations--criminal penalty. (a) In addition and supplemental to any other remedy provided herein, the city or its authorized representative may seek criminal penalties for a violation of the provisions of this chapter in a court of appropriate jurisdiction. Any violation subject to the jurisdiction of the City Court of the City of Mount Pleasant shall be cited into city court and upon conviction be subject to a fine of fifty dollars ($50.00) per day for each day of violation, and as to any prosecution sought in the general sessions or circuit court, such violator upon conviction shall be subject to such penalty as may be provided by law.

(4) Assessment for noncompliance with program permits or orders.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the city 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 or 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 such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. 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 such 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 § 18-208(2)(h) of this chapter, any user that violates the following conditions, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

(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 § 18-207 of this chapter.

(f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent. Such 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. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-211. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to: Attached hereto and incorporated herein as Schedule B is a list of fees and charges of the city related to wastewater. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-212. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.[1]

SECTION

18-301. Definitions.
18-302. Standards.
18-303. Construction, operation, and supervision.
18-304. Statement required.
18-305. Inspections required.
18-306. Right of entry for inspections.
18-307. Correction of existing violations.
18-308. Use of protective devices.
18-309. Unpotable water to be labeled.
18-310. Violations.

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

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

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[1]Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.

sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." 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. (Ord. #2006-865, Oct. 2006)

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #2006-865, Oct. 2006)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the water department superintendent or his representative. (Ord. #2006-865, Oct. 2006)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the water department superintendent a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #2006-865, Oct. 2006)

18-305. Inspections required. It shall be the duty of the water department superintendent to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the water department superintendent and as approved by the Tennessee Department of Environment and Conservation. (Ord. #2006-865, Oct. 2006)

18-306. Right of entry for inspections. The water department superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water

supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #2006-865, Oct. 2006)

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the water department superintendent.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the water department superintendent shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the water department superintendent shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #2006-865, Oct. 2006)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.

(2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the water department superintendent, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the water department superintendent or his designated

representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the water department superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the water department superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the water department superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water department superintendent shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the water department superintendent.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the water department superintendent. (Ord. #2006-865, Oct. 2006)

18-309. <u>Unpotable water to be labeled</u>. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #2006-865, Oct. 2006)

18-310. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty under the general penalty clause of this code. Each day a violation is allowed to occur shall be a separate offense. (Ord. #2006-865, Oct. 2006)

TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. ELECTRICITY.
2. GAS BOARD.
3. GAS.
4. GAS SYSTEM RULES AND REGULATIONS.

CHAPTER 1

ELECTRICITY[1]

SECTION
19-101. Electrical service not to be turned on or off without authority.
19-102. Unlawful to tamper with meters, etc.
19-103. Penalties.
19-104. Additional penalties.

19-101. Electrical service not to be turned on or off without authority. No person shall turn electrical service on or off from private premises, except by permission by a duly designated representative of the Mount Pleasant Power System. (1984 Code, § 13-301)

19-102. Unlawful to tamper with meters, etc. It shall be unlawful to tamper with any of the meters, poles, lines, transformers, or any other electrical equipment of the Mount Pleasant Power System. "Tampering" shall include breaking the seal on any electrical meter. (1984 Code, § 13-302)

19-103. Penalties. Any person found to be violating any section of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished under the general penalty clause for this municipal code. Each day upon which such violation shall continue shall be deemed a separate offense and shall be punishable as such. (1984 Code, § 13-303)

19-104. Additional penalties. In addition to the foregoing penalties, electrical service may be discontinued to any person found to be in violation of any of the provisions of this chapter, and any person found to be in violation of any of the provisions of this chapter shall be civilly liable to the City of Mount

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[1]Municipal code reference
Electrical code: title 12.

Pleasant, Tennessee, for any expense, loss, or damage occasioned said city by reason of such violation. (1984 Code, § 13-304)

CHAPTER 2

GAS BOARD

SECTION

19-201. Gas board created; board of directors, membership.
19-202. Advisory committee; terms of members.
19-203. Powers and duties.
19-204. By-laws, rules and regulations authorized.
19-205. Time of regular meetings.
19-206. Management.

19-201. Gas board created; board of directors, membership. There is hereby created and established the City of Mount Pleasant, Tennessee, Gas Board. This board and board of directors shall consist of five (5) members consisting of the Mayor and Board of Commissioners of the City of Mount Pleasant, Tennessee. The terms of said board shall be concurrent with the respective term of each individual as a member of the governing body of the City of Mount Pleasant. The members of said board of directors shall receive such compensation for their services that may be approved by resolution duly adopted by said board of directors. Such compensation shall not exceed that permitted by Tennessee Code Annotated, § 7-82-208. (Ord. #85-662, April 1985)

19-202. Advisory committee; terms of members. The Board of Directors of the Mount Pleasant Gas Department shall appoint an advisory committee on gas utilities. Such advisory committee shall be composed of residents and customers of the utility system and the members of said advisory committee shall have the same term and shall be of the same number as the governing board. (Ord. #85-662, April 1985)

19-203. Powers and duties. The Board of Directors of the Mount Pleasant Gas Department shall have the powers, duties, obligations and be entitled to such compensation as is provided for in Tennessee Code Annotated, § 7-82-101, et seq. (Ord. #85-662, April 1985)

19-204. By-laws, rules and regulations authorized. The Mount Pleasant Gas Board shall have the power to adopt by-laws and rules and regulations for the proper conduct and operation of the Mount Pleasant Gas Department, and its functions. (Ord. #85-662, April 1985)

19-205. Time of regular meetings. The regular meeting of the Mount Pleasant Gas Board shall be held on the third Tuesday at 6:30 P.M. of each month. (Ord. #85-662, April 1985, modified)

19-206. Management. The gas department provided herein shall operate as a separate utility department of the City of Mount Pleasant. The city manager of said city shall act and serve as the general manager of said department and shall have the rights, powers and duties provided hereunder and provided in Tennessee Code Annotated, § 6-18-101, et seq. (Ord. #85-662, April 1985)

CHAPTER 3

GAS

SECTION

19-301. Application and scope.
19-302. Obtaining service.
19-303. Application and contract for service.
19-304. Meter deposit.
19-305. Connection charges.
19-306. Schedule of rates.
19-307. Access to facilities.
19-308. Customer billing and payment policy.
19-309. Termination or refusal of service.
19-310. Reconnection charge.
19-311. Termination of service by customer.
19-312. Inspections.

19-301. Application and scope. The provisions of this chapter are a part of all contracts for receiving gas service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Ord. #85-662, April 1985)

19-302. Obtaining service. A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed. (Ord. #85-662, April 1985)

19-303. Application and contract for service. Each prospective customer desiring gas service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant.

Effective September 1, 2012, a Residential Gas Incentive Program is established for customers obtaining natural gas pursuant to the program. Pursuant to the program the city will provide a free tap and up to five hundred feet (500') of any new service line without charge for any customer within the

current gas system service area. After the first five hundred feet (500') the service line cost is one dollar fifty cents ($1.50) per foot. Any customer participating in the program must have a natural gas appliance properly and permanently installed in the residence or accessory structure, complete the proper application and post the appropriate deposit and connection fee. In addition, the customer must maintain gas service for twelve (12) consecutive months. Discontinuing service prior to the expiration of twelve (12) consecutive months will result in the customer being charged for the cost of the service line at a prorated monthly rate. This gas incentive program is in addition to and supplemental of the Standard Application and Contract for Service which remains available at the customer's option. (Ord. #85-662, April 1985, as amended by Ord. #2012-947, Sept. 2012)

19-304. Meter deposit. A deposit per meter connection will be required of all domestic customers. Deposits required of customers other than residential customers shall be determined by the city manager and gas inspector, based on an estimate of the monthly use of gas. Deposits shall be returned to the customer upon cessation of services and payment in full of bills. (Ord. #85-662, April 1985)

19-305. Connection charges. Customers who apply for gas service will be charged a fee for the installation of any new service line up to one hundred (100) feet. In all cases that part of a service line in excess of this allowable distance to the meter installation shall be installed at the cost of the customer, but shall become the property of the municipal natural gas system. Service installation for old customers at new locations will be handled as a new connection; however, no charge will be made if a service connection at the new location exists.

Effective September 1, 2012, in addition to and supplementary to the foregoing, a customer opting to utilize the city's residential gas incentive program (§ 19-303), shall not be required to pay a tap fee nor will such customer be charged for the new service line up to five hundred feet (500'); provided the cost for any service line in excess of five hundred feet (500') is one dollar fifty cents ($1.50) per foot. (Ord. #85-662, April 1985, as amended by Ord. #2012-947, Sept. 2012)

19-306. Schedule of rates. All gas service including the meter deposit referred to in § 19-304, and the connection charge referred to in § 19-405 or the reconnection charge referred to in § 19-310, shall be furnished under such rate schedules as the Board of Directors of the Mount Pleasant Gas Department may adopt from time to time by appropriate ordinance or resolution. (Ord. #85-662, April 1985)

19-307. Access to facilities. The application for service shall include a permit from the customer allowing access to the meter, regulator, and service line by the officials or employees of the municipal natural gas system. All lines, regardless of how installed, up to and including the meter, shall be the property of the municipal natural gas system. (Ord. #85-662, April 1985)

19-308. Customer billing and payment policy. (1) Gas bills shall be rendered monthly and shall designate a standard net payment period for all customers of not less than ten (10) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all customers a late payment charge not to exceed ten percent (10%) for any portion of the bill paid after the net payment period.

(2) The customer's bill should be paid on or before the fifteenth day of each month in order to receive the net price on the monthly bill. Payments received after the fifteenth of each month, but prior to the twenty-fifth of each month, will incur a ten percent (10%) late penalty charge.

(3) If a customer fails to make payment by the twenty-fifth of each month, then an automatic twenty-five dollar ($25.00) service fee will be added. In addition thereto, the termination of services process as set forth in § 19-309, termination or refusal of service, shall be commenced.

(4) Payment must be received no later than the due date. If the due date falls on Saturday, Sunday or a city holiday, net payment will be accepted if paid on the next business day.

(5) Customers may receive an extension to pay their monthly bill upon written request to the city manager or the director of public works. To receive an extension, the customer must make the request at least two (2) days prior to the disconnect date and have justifiable cause. Further, the customer must pay fifty percent (50%) of the outstanding bill at the time the payment extension agreement is initiated and the remaining fifty percent (50%) within two (2) weeks from said date. A request for a payment extension is limited to two (2) per year if based upon justifiable cause and a second request may not be made while an extension is in effect. Failure to abide with the terms and conditions of a payment extension request shall disqualify a customer from receiving another extension.

(6) If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (Ord. #85-662, April 1985, as replaced by Ord. #2011-930, June 2011, and amended by Ord. #2012-942, March 2012, and Ord. #2017-1010, Oct. 2017)

19-309. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue gas service or refuse to connect service for a violation of or a failure to comply with any of the following:

(a) These rules and regulations, including the non-payment of bills;

(b) The customer's application for service;

(c) The customer's contract for service.

The right to discontinue service shall apply to all gas services received through collective single connections or services, 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 (1) such customer or tenant.

(2) Termination of service. Written notice shall be provided to the customer before termination of gas service according to the following terms and conditions:

(a) Written notice of the termination (cut off) of gas service shall be conspicuously provided on customer's bills and shall include the following information:

(i) Payment terms;

(ii) Late payment penalty;

(iii) Customer's right to hearing with information on how to request a hearing; and

(iv) Clear language regarding cut off if not paid by a date certain. In the event of a termination (cut off) of gas service for a reason other than the non-payment of bills, a separate notice will be provided to the customer directly, or if the customer is not available, by notice left at a location conspicuous to the customer at the place of service.

(b) Each customer has the right to a hearing prior to termination of services. Customers shall be notified of their right to a hearing as provided in the preceding section. Hearings for service termination, including for non-payment of bills, will be held by appointment at city hall between the hours of 8:00 A.M. and 4:00 P.M. on any business day or by special request or appointment a hearing may be scheduled outside those hours.

(c) Termination will not be made on any preceding day when the water and/or sewer department is scheduled to be closed.

(d) If a customer does not request a hearing or in the case of non-payment of a bill does not make payment of the bill or does not otherwise correct the problem that resulted in the termination in a manner satisfactory to the gas department, same shall proceed as noted on the customer's billing.

(e) Service termination for any reason shall be reconnected only after the payment of all charges due for all accounts the customer may have with the city, plus the payment of a reconnection charge.

(f) With respect to any customer whose service has been terminated and whose service has not been reinstated in accordance with the provisions hereof on or by the twenty-fifth day of the month following termination, the account for such customer shall be closed and any deposit related to such account shall be applied to delinquent bills, late penalty charges and service fees. (Ord. #85-662, April 1985, as replaced by Ord. #2011-931, June 2011)

19-310. Reconnection charge. Customers who have their service discontinued for any reason and make applications for reinstallation at the same location within twelve (12) months will be charged a fee. No one other than the gas inspector or his assistants shall be authorized to cut gas on or off. (Ord. #85-662, April 1985)

19-311. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days 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 city 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 shall be required; and the city 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 city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant may be allowed by the city to enter into a contract for service in the occupant's own name with respect to a new application for service. (Ord. #85-662, April 1985)

19-312. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or piping system before gas service is furnished or at any later time. The city 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 city.

Any failure to inspect or reject a customer's installation or piping system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (Ord. #85-662, April 1985)

CHAPTER 4

GAS SYSTEM RULES AND REGULATIONS

SECTION

19-401. Definitions.
19-402. Certification and qualification of an authorized installing agency.
19-403. Meter location and turning on and off of gas.
19-404. Non-liability.
19-405. Delinquent gas, water, sewer and/or sanitation bill.

19-401. Definitions. That the following words and phrases shall have the meaning set out below, when used in this chapter.

(1) "Authorized installing agency." Shall be any person, firm, corporation, or contractor, who has complied with this chapter and who has been issued a certificate by the City of Mount Pleasant, Mount Pleasant, Tennessee, as herein provided, to engage in the work of installing and repairing gas piping appliances, fixtures and equipment in the City of Mount Pleasant, or to any person receiving gas service from the natural gas distribution system of the City of Mount Pleasant.

(2) "City recorder." The person occupying the position and performing the duties of recorder, as provided by said uniform city manager charter.

(3) "Consumer." Any person, firm, corporation or association receiving gas service from the natural gas distribution system of the City of Mount Pleasant.

(4) "Gas code." The International Fuel Gas Code, 2006 edition, as amended, as published by the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(5) "Gas inspector." The City Manager of the City of Mount Pleasant, Tennessee or his duly authorized representative, or the person designated by the Mount Pleasant Gas System Board of Directors to make inspection of the consumer gas piping and natural gas pumping facilities.

(6) "Gas system." The natural gas distribution system constructed, owned and operated by the City of Mount Pleasant, Tennessee, including the transmission line from the gate station to the meter facilities at the transmission line of gas providers to the city.

(7) "Mount Pleasant Gas System Board of Directors." The governing body of the Mount Pleasant Gas System as described in title 19, chapter 2, of the Mount Pleasant Municipal Code.

(8) All definitions contained in the International Fuel Gas Code, 2006 edition, as amended, are hereby adopted by this chapter and when used herein, or in connection with the natural gas distribution system of the City of Mount Pleasant, Tennessee, shall apply. (as added by Ord. #2010-911, June 2010)

19-402. Certification and qualification of an authorized installing agency. (1) In addition to the requirements of § 12-404 of the Mount Pleasant Municipal Code and supplemental thereto but not in conflict thereof, and in order to determine that the provisions of the gas code hereinbefore adopted are fully complied with and that those persons, firms or corporations engaged in the business of installing gas appliances, systems, facilities and equipment, are properly qualified to engage in business, the gas inspector as herein defined, shall examine all applicants desiring to engage in such work, and upon being satisfied of the applicant's fitness for such permit, shall issue certificates as hereinafter provided.

(2) All person, firms, corporations, contractors, or associations desiring to engage in the work or business of installing gas piping, appliances, fixtures, equipment, or gas systems, including the repair and change over of the same, in the City of Mount Pleasant, Tennessee, or in or upon the property of any person receiving gas service from the gas system of the City of Mount Pleasant, Tennessee shall make application to the gas inspector on such form and in such manner as the gas inspector may determine, under his rules and regulations, and said applicants shall personally appear before the gas inspector to be examined as to their qualifications and ability to operate and engage in such business, and no person, firm, association, or corporation shall engage in such business or install or repair any gas appliances, gas systems, or equipment until such persons, firms or corporations have been approved by the gas inspector and a certificate issued to the applicant authorizing it to engage in such business. Upon the issuance of such permit, such person, firm, corporation or association shall be a qualified installing agency as defined and provided by this chapter.

(3) The examination herein provided shall be in the form and manner deemed proper by the gas inspector, under such rules and regulations as may be adopted from time to time by the Mount Pleasant Gas System Board of Directors of the City of Mount Pleasant, Tennessee, and said applicant shall be examined by the gas inspector to determine the qualifications and abilities, and no person, firm, association or corporation shall engage in such business until it has been approved by the gas inspector and a certificate issued to it, authorizing the engaging in such business.

(4) The applicant shall furnish satisfactory evidence to the gas inspector that qualified and competent laborers and workmen shall be used by the installing agency in the installation, replacement or repair of consumer gas piping, or the connection, installation, repair or servicing of gas appliances and/or gas burning equipment and such installing agency shall be responsible for seeking that such work is performed in a safe and workmanlike manner, and up to the standard of the art of this kind of work, and that the same is performed in accordance with good engineering practices, as used by those persons, firms, and/or corporation experienced in such work, and familiar with all the precautions required for utmost safety in such field of work, and that such complies with all provisions of the gas code herein adopted.

(5) Any permit to engage in the work or business of a qualified gas installing agency, hereinbefore defined, may be revoked by the gas inspector for failure to comply with all city ordinances or with the gas code herein adopted or that may be hereafter adopted by the Mount Pleasant Gas System Board of Directors of the City of Mount Pleasant, Tennessee, and the rules and regulations governing the installation of servicing and repairing of gas systems, gas burning systems and equipment or such certificate may be revoked for allowing or permitting said work to be carried on in an unworkmanlike manner by those employed by or under the supervision of an authorized gas installing agency or by allowing and permitting and using unqualified labor in the performance of work or allowing or permitting the same to be done in a hazardous or dangerous manner or for continued inefficient work by said authorized installing agency.

(6) Each applicant for a certificate to qualify as an installing agency shall pay to the City of Mount Pleasant, Tennessee at the office of the city recorder, at the time of making such application, a fee of fifty dollars ($50.00), and at the time of renewal of such certificate of an installing agency, there shall be paid to the City of Mount Pleasant, Tennessee a fee of twenty-five dollars ($25.00). The fee of fifty dollars ($50.00) shall not be refunded in the event the applicant is not granted a certificate as an installing agency but shall be retained by the City of Mount Pleasant, Tennessee to defray the cost of investigation and examination herein provided.

The certificate of an installing agency shall expire on December 31, following the date of issuance, but may be renewed by the holder thereof without further examination or application, provided that the holder is not in violation of any of the rules and regulations of the City of Mount Pleasant, Tennessee and/or its gas inspector and if in the opinion of the gas inspector it is unnecessary to have an examination of the gas installing agency. The Mount Pleasant Gas System Board of Directors may, however, upon the expiration of any certificate, require a new application and examination of any gas installing agency.

(7) The owner of the business or the senior member or acting head of a firm or corporation engaged in the business of a gas installing agency, shall be considered as the person responsible for all work done by such installing agency, as herein defined and provided for.

(8) No certificate shall be issued to an installing agency by the gas inspector until evidence has been submitted that such installing agency is properly bonded by a corporate surety bond in the penal sum of not less than twenty-five thousand dollars ($25,000.00) and that said corporate surety company be authorized and qualified to do business in the State of Tennessee; such bond shall be payable to the City of Mount Pleasant Tennessee, for its use and benefit and to any citizen or gas consumer, who may be damaged by the failure of such qualified installing agency, to comply strictly with the gas code herein adopted and the ordinances of the City of Mount Pleasant, Tennessee

with reference thereto, or who may be damaged by any negligence committed, or imperfect or defective work done by such installing agency, or by any person in the employ or under the supervision of such installing agency while acting in the scope and course of their employment. Said bond shall be so conditioned as to require the installing agency to comply with all of the provisions of the city's gas code as herein defined and adopted or any provisions, revisions, amendments, or supplements which might be made or added thereto, from time to time. In such bond the qualified gas installing agency shall indemnify and save harmless the City of Mount Pleasant, Tennessee and all persons therein from loss, costs, or damages caused by negligence or inadequate, imperfect, or defective work done by such installing agency or any of its employees. Said bond shall be filed and remain on file with the City Recorder of the City of Mount Pleasant, Tennessee.

(9) The bond hereinbefore provided shall contain a provision that the surety company issuing the same shall not cancel the bond without notifying the Recorder of the City of Mount Pleasant, Tennessee and the gas inspector as hereinbefore provided. In the event said bond is not renewed at the end of each year, or that the same is canceled, then immediately the gas inspector, acting upon notice of the city recorder, shall revoke the certificate of such installing agency and shall terminate all of its rights and privileges to engage further in the business of installing agency as hereinbefore defined and until said bond is renewed or a new bond obtained and filed as herein provided, no new certificate shall be issued to such installing agency.

(10) Every applicant, for a certificate to serve as an authorized installing agency, shall furnish evidence that it or he has obtained a comprehensive general products liability insurance policy with limits of not less than five hundred thousand dollars ($500,000.00) in the case of each individual or one million dollars ($1,000,000.00) as to each accident for bodily injury, and five hundred thousand dollars ($500,000.00) property damage as to each property owner, or one million dollars ($1,000,000.00) in the aggregate for all damages to property, and which policy shall provide that in the event the same is terminated or canceled for any reason, notice of such cancellation shall simultaneously be given to the city recorder. Upon the termination or cancellation of said insurance policy, the certificate of an installing agency, which shall have been theretofore issued by the gas inspector, shall be immediately revoked or in the discretion of the gas inspector, suspended.

The insurance policy hereinbefore provided shall be issued by some insurance company authorized to do business in the State of Tennessee but shall be subject to approval by the gas inspector and/or the Mount Pleasant Gas System Board of Directors, and said insurance policy shall at all times as hereinbefore provided, be kept on file in the office of the city recorder.

(11) No firm, association, person or corporation shall engage in the work of an installing agency, nor shall any person, firm, association, or corporation install in any building of any character in the City of Mount Pleasant,

Tennessee, or in any building to which gas shall be supplied from the gas system of the City of Mount Pleasant, Tennessee, any gas pipe, appliances, or equipment using natural gas, manufactured gas, or liquefied petroleum gas or mixture thereof, unless such person, firm, or corporation holds a valid certificate issued by the gas inspector as hereinbefore provided. The gas inspector or any person designated by him or in his employ shall not connect the gas piping or system in such building to the gas system unless the same has been installed by a qualified installing agency as defined and provided for in this chapter.

(12) No property owner shall cause or permit any installation, modification, change to, conversion or repair of any gas house piping or gas appliances, as hereinabove provided, in the City of Mount Pleasant, Tennessee or in its gas service territory or receiving gas from the gas system of the City of Mount Pleasant, Tennessee unless such person, firm or corporation is a duly qualified installing agency as herein provided and defined, and the fact that such work has been done by other than an authorized installing agency, qualified as herein provided, shall be sufficient to hold and render the property owner responsible for the violation of this chapter and amenable to all provisions of the same.

(13) Penalty. It is hereby declared a misdemeanor and punishable by a fine of fifty dollars ($50.00) for each and every violation on a daily basis. (as added by Ord. #2010-911, June 2010)

19-403. Meter location and turning on and off of gas. (1) All meters shall be installed on the outside of the building to be served and at such location as may be determined by the gas inspector and shall be such that the meter connections are easily accessible in order that the meter may be read or changed.

No gas meter shall be installed under a step, stairway, window, or near a furnace, boiler or other appliances.

Under no circumstances shall anyone not employed by the City of Mount Pleasant, Tennessee be permitted to open or make connection to the service pipe or service extension, or set or remove the meter or do any work on any part of the natural gas distribution system, including the meter, except that the gas may be turned off at the meter in case a hazardous condition may arise. When the meter has been turned off; the gas inspector shall be immediately notified and after obtaining a permit and the repairs have been made and approved, the meter shall be turned on and service restored, provided, however, that this turning on and off of the gas may be done only by the gas inspector or any designated representative.

Whenever more than one (1) meter is supplied through one (1) service line, a stopcock shall be installed at each meter inlet, in addition to the service line stop.

(2) It shall be unlawful and a misdemeanor for any person to trespass upon, injure, molest, deface, damage, destroy or carry away any portion of the

natural gas distribution system or for any person to tap or interfere with any gas line or gas pipe, constituting a part of the natural gas distribution system; or for any person to turn on the gas to any premises at any time except as directed by the gas inspector or his duly authorized representative.

It shall be unlawful and a misdemeanor for any person, firm, association or corporation to violate any of the foregoing provisions of this chapter and each day's violation shall be considered a separate offense. Upon conviction for the violation of the foregoing provisions of this chapter, the offender or offenders shall be fined fifty dollars ($50.00). (as added by Ord. #2010-911, June 2010)

19-404. Non-liability. This chapter shall not be construed as imposing upon the City of Mount Pleasant, Tennessee any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein or by installation thereof, nor shall the City of Mount Pleasant, Tennessee, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the permitting or inspection authorized hereunder or any certificate of approval issued by the gas inspector. (as added by Ord. #2010-911, June 2010)

19-405. Delinquent gas, water, sewer and/or sanitation bill. Utility services provided by the City of Mount Pleasant, Tennessee are included in a singular billing itemized with respect to the service provided. A default in payment of any portion of said utility account provides a basis for the discontinuation or refusal to provide all utility services. For further specifics regarding the discontinuation or refusal of service see § 19-309 of the Mount Pleasant Municipal Code. (as added by Ord. #2010-911, June 2010)

TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]

APPENDIX

A. ETHICS PROVISIONS PROVIDED BY STATUTE.

APPENDIX A

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1. Campaign finance.

All candidates for the chief administrative office (mayor), any candidates who spend more than $500, and candidates for other offices that pay at least $100 a month are required to file campaign financial disclosure reports. Civil penalties of $25 per day are authorized for late filings. Penalties up to the greater of $10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101–118).

Contributions to political campaigns for municipal candidates are limited to:

a. $1,000 from any person (including corporations and other organizations);
b. $5,000 from a multicandidate political campaign committee;
c. $20,000 from the candidate;
d. $20,000 from a political party; and
e. $75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of $10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301–310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

2. Conflicts of Interest.

Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly

acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of goods or services in a municipality. A "direct interest" is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107–108, T.C.A. § 12-4-101–102).

3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 *et seq*. Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over $10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from "knowingly" receiving any form of compensation for "consulting services" other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

"Consulting services" under T.C.A. § 2-10-122 means "services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official." "Consulting services" also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. "Consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct. official oppression, misuse of official information.

a. Public misconduct offenses under Tennessee Code Annotated § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall

engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude" (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt
(T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal "duty" to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that "there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county." However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney's duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101–102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).