

**THE
ASHLAND CITY
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

September 1993

Change 11, April 12, 2016

TOWN OF ASHLAND CITY, TENNESSEE

MAYOR

Richard A. Johnson

VICE MAYOR

Steve Allen

COUNCILMEN

Alwilda Binkley
Jimmy Gill
Roger Jackson
Chris LaCrosse
Lisa Walker

CITY RECORDER

Phyllis Schaeffer

Preface

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

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

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

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

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

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

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

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

The able assistance of Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Mrs. Tracy Gardner, Administrative Services Assistant is gratefully acknowledged.

Steve Lobertini
Codification Specialist

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

SECTION 16. CITY LEGISLATION. BE IT FURTHER ENACTED,
That:

(a) Any action of council having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises or contracts over one thousand dollars (\$1,000), authorizing the borrowing of money, conveying or leasing or authorizing conveyance or lease of any lands of the city, or required to be done by ordinance under this Charter or the general laws of the state, shall be done only by ordinance. Other actions of council may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of council in advance of the meeting at which introduced. The enacting clause of ordinances shall be "Be it ordained by the Council of the Town of Ashland City, Tennessee:". No action of council shall be valid or binding unless approved by the affirmative voice of a majority of the members of council. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended. Every ordinance except an emergency ordinance must be approved on two readings not less than one week apart, and shall become effective 20 days after final approval unless its terms provide a later effective date. Every ordinance, except codes adopted by reference as provided in subsection (c) below, shall be read in full on the first reading; the second reading may be by title only except that any amended provisions shall be read in full. Each resolution shall be read in full one time and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on two readings on separate days and become effective immediately, by the affirmative votes of a majority of the members of council, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only 90 days. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money, or special privileges shall not be passed as emergency ordinances.

(b) The council shall have the general and continuing ordinances of the city assembled into an official code of the city, a copy of which shall be kept currently up to date by the city clerk and shall be available to the public. After adoption of the official code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in 2.(f), may be adopted by ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the council may deem desirable. Procedures

prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the council.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city clerk. The title and brief summary of each ordinance and resolution shall be published in the official city newspaper, or posted at or near the front entrances of the City Hall and the County Courthouse within ten days after its final approval.

ORDINANCE NO. 223

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF ASHLAND CITY, TENNESSEE.

WHEREAS some of the ordinances of the Town of Ashland City are obsolete, and

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

WHEREAS the City Council of the Town of Ashland City, 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 "Ashland City Municipal Code," now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ASHLAND CITY, TENNESSEE, THAT:

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

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

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

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

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

Section 5. Penalty clause. Unless otherwise specified, wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.¹

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

¹State law reference

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

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

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

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

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

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

Passed 1st reading April 12, 1991.

Passed 2nd reading June 14, 1991.

Mary Gray Jenkins
Mayor

Dorothy C. Neal
Clerk

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. CITY CLERK.
4. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Council member compensation.
- 1-105. Beer board, liquor board and budget committee compensation.

¹Charter references

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

Municipal code references

Building inspector: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

²Charter references

Compensation: § 10(b).
Composition: § 10(a).
Elections: § 8.
Expenses: § 10(b).
Powers: § 10(a).
Quorum: § 10(d).
Regular meetings: § 10(c).
Subpoena power: § 10(d).
Vacancy in office: § 13.

1-101. Time and place of regular meetings. The city council shall hold the workshop and regular monthly meetings at 6:00 P.M. on the first and second Tuesday of each month at the municipal building. (1973 Code, § 1-101, as amended by Ord. #216, April 2000, and Ord. #412, Sept. 2013)

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

- (1) Call to order by the mayor.
- (2) Roll call by the city clerk.
- (3) Reading of minutes of the previous meeting by the city clerk and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, councilmen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1973 Code, § 1-102)

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 city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1973 Code, § 1-103, modified)

1-104. Council member compensation. The salaries of each council member shall be ninety-three dollars and seventy-five cents (\$93.75) per council workshops and council meetings. (as added by Ord. #304, June 2005, and amended by Ord. #351, Nov. 2008, and Ord. #405, June 2013)

1-105. Beer board, liquor board and budget committee compensation. All members of the beer board, liquor board, and budget committee shall be compensated ninety-three dollars and seventy-five cents (\$93.75) per meeting. (as added by Ord. #351, Nov. 2008, and amended by Ord. #409, Aug. 2013)

CHAPTER 2

MAYOR¹

SECTION

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-203. Compensation of mayor.
- 1-204. Compensation of board of appeals.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1973 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the city council. (1973 Code, § 1-202)

1-203. Compensation of mayor. The salary of the mayor shall be twenty thousand eight hundred seventy-five dollars (\$20,875.00) per year. (as added by Ord. #304, June 2005, and amended by Ord. #405, June 2013)

1-204. Compensation of board of appeals. The salary of the board of appeals shall be sixty-two dollars and fifty cents (\$62.50) per meeting. (as added by Ord. #304, June 2005, and amended by Ord. #405, June 2013)

¹Charter references

- Ceremonial head of city: § 11.
- Compensation: § 10(b).
- Control of expenditures: § 35.
- Elections: § 8.
- Powers and duties: § 19.
- Presides over city council: § 11.
- Vacancy in office: § 13.

CHAPTER 3

CITY CLERK¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-304. Adoption of Public Acts 1994, chapter 648.

1-301. To be bonded. The city clerk shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the city council. (1973 Code, § 1-301)

1-302. To keep minutes, etc. The city clerk shall keep the minutes of all meetings of the city council and shall number and preserve the original copy of all ordinances in a separate ordinance book. (1973 Code, § 1-302)

1-303. To perform general administrative duties, etc. The city clerk shall perform all administrative duties for the city council and for the town which are not assigned by the charter, this code, or the city council to another corporate officer or employee. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1973 Code, § 1-303)

1-304. Adoption of Public Acts 1994, chapter 648. The City of Ashland City adopts by reference the requirements of Public Acts 1994, chapter 648, which is attached to this ordinance and made a part thereof as if it were fully set out in the text of this ordinance.²

¹Charter references

Appointment, term, powers, and duties: § 20.

²See ordinance number 109 (July 1994) of record in the recorder's office.

CHAPTER 4

CODE OF ETHICS¹

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.
- 1-412. Appearance of impropriety.

¹State 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 Town of Ashland City. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #335, June 2007)

1-402. Definition of "personal interest." (1) For purposes of this chapter, "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); or

(d) Any such financial, ownership, or employment interest of the official's or employee's spouse's parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(2) The words "employment interest" include:

(a) Any job, occupation, consultation, or other position for which the employee or official is compensated, whether by a third party/entity or in a self-employed capacity, other than the Town of Ashland City; and

(b) Any 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 a vote of any Town of Ashland City board, committee, or commission, or that is to be regulated or supervised by the Town of Ashland City.

(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. (as added by Ord. #335, June 2007)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself or herself from voting on the measure. (as added by Ord. #335, June 2007)

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than

casting a vote, and who has a personal interest in the matter that affects, or that would lead a reasonable person to infer that it affects, the exercise of the discretion, or is in a reasonably apparent position of influence over such matter, shall disclose, before the exercise of the discretion or influence, when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #335, June 2007)

1-405. Acceptance of gratuities. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality over the amount of fifty dollars (\$50.00):

(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. (as added by Ord. #335, June 2007)

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

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #335, June 2007)

1-407. Use of municipal time or facilities. (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 or herself. An official or employee may use a facility of the Town of Ashland City for his or her own personal use only upon express permission by the mayor.

(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. (as added by Ord. #335, June 2007)

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

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized

by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #335, June 2007)

1-409. Outside employment or other position of financial interest.

(1) Outside employment, or other position of financial interest, shall be defined as any job, occupation, consultation, or other position for which the employee is compensated, whether by a third party/entity or in a self-employed capacity, other than the Town of Ashland City.

(2) All positions of outside employment, or other position of financial interest, must be submitted on the outside employment form provided by the city and approved on an annual basis by the employee's respective department head prior to the acceptance, or continuance, of such outside employment, or other position of financial interest.

(3) No employee of the Town of Ashland City shall be permitted to continue in, commence, or accept any position of outside employment, or other position of financial interest, if such outside employment, or other position of financial interest:

(a) Will unreasonably inhibit the performance of any affirmative duty of the city position or conflict with any provision of the city's charter or any ordinance or policy;

(b) Is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities; or

(c) Is incompatible with city employment in any way, including the appearance of any conflict of interest or impropriety. (as added by Ord. #335, June 2007)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics coordinator for the Town of Ashland City. Upon the written credible request or ethics complaint of an official or employee potentially affected by a provision of this chapter, the city attorney shall gather and organize any information required to fully investigate the written request and shall forward such information to an attorney designated by the Ashland City Council as an ethics investigator. In all respects, the city attorney shall act as the city's liaison to the ethics investigator during, and at the conclusion of such investigation. The written ethics request or complaint shall be delivered to the city attorney as a sworn statement of facts, under oath, before a notary public. False statements of fact may be subject to a perjury charge. The mayor and city council shall be advised that an ethics inquiry is occurring.

(2) Such ethics investigator shall be chosen from anyone of three (3) attorneys approved annually by resolution of the city council as administrative law officers, and with whom the Town of Ashland City has entered into an agreement for compensation to act in such capacity.

(3) Such ethics investigator shall review all information provided by the city attorney and shall render a written advisory ethics opinion to the city

attorney as to whether any violations have occurred based upon this ethics policy or other applicable law. Should the ethics investigator require additional information, the city attorney shall be responsible for coordinating any other information, witnesses, or statements and providing such information to the ethics investigator. The subpoena power of the city council may be used to obtain information, if required. The ethics investigator shall report the findings to the city attorney within sixty (60) days of the complaint, unless more time is required and approved by city council action. Upon request, the ethics investigator may also be asked to issue a written advisory opinion about an ethics question or situation.

(4) Once the ethics investigator concludes an investigation and renders an opinion about a complaint or request, the city attorney shall forward such written opinion, along with any recommendations for action(s) to end or seek retribution for any activity that, in the ethics investigator's judgment, constitutes a violation of this code of ethics, to the Ashland City Council, the mayor, and, if the subject of the investigation is an employee, to the employee and such employee's department head. The opinion shall also be sent to the person(s) that filed the request or complaint.

(5) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the investigation of such complaint shall proceed as heretofore described.

(6) Any complaint filed with malice or under false statements of fact or, in an obvious attempt to embarrass, shall be the subject of proper sanctions or disciplinary action. However, any city employee shall be able to file a valid complaint without fear of retaliation. Any supervisor, or any other employee, who harasses or retaliates against an employee filing a complaint shall be subject to disciplinary action, including dismissal.

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

(8) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #335, June 2007)

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. (as added by Ord. #335, June 2007)

1-412. Appearance of impropriety. At all times, every Town of Ashland City employee or official, whether elected or appointed, shall conduct himself or herself in a manner so as to avoid even the appearance of any impropriety. (as added by Ord. #335, June 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. CITY TREE BOARD.

CHAPTER 1

CITY TREE BOARD

SECTION

2-101. Creation.

2-102. Duties and responsibilities.

2-103. Power over all trees, etc., that constitute a hazard.

2-104. Permission needed from the tree board.

2-105. Tree board to review landscaping plans for developments of new subdivisions or commercial property.

2-101. Creation. There is hereby created and established a City Tree Board for the Town of Ashland City, Tennessee, which shall consist of four (4) citizens and residents of this city and one (1) representative from the Department of Forestry, who are currently acting in the capacity as members of the City Tree Board. (Ord. #85, March 1992)

2-102. Duties and responsibilities. The duties and responsibilities for the newly created tree board shall include:

- (1) Prepare a tree plan.
- (2) Coordinate tree related activities.
- (3) Conduct an Arbor Day Celebration.
- (4) Provide tree information to the community.
- (5) Maintain a recommended tree list for the community.
- (6) Recognize groups and individuals who complete tree projects.
- (7) Coordinate publicity concerning trees and tree programs.
- (8) Coordinate donations of trees or money to purchase trees.
- (9) Adopting rules and regulations pertaining to the tree board program.
- (10) Perform other tree related duties as necessary. (Ord. #85, March 1992)

2-103. Power over all trees, etc., that constitute a hazard. This chapter provides full power and authority over all trees, plants and shrubs located within street right of ways, parks and public places of the town and to trees,

plants and shrubs located on private property that constitute a hazard or threat. (Ord. #85, March 1992)

2-104. Permission needed from the tree board. No person shall plant, maintain, cut above the ground or disturb any tree on any street or other public place without first obtaining permission from the tree board or its designee. The person or persons receiving the permission shall abide by the standards set forth in this chapter. (Ord. #85, March 1992)

2-105. Tree board to review landscaping plans for developments of new subdivisions or commercial property. In the development of new subdivisions or when the development of commercial property occurs, the tree board or its designee will review landscaping plans and may require street trees be planted in any streets, parking lots, parks, and other public places abutting lands henceforth developed and/or subdivided. (Ord. #85, March 1992)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.
5. ELECTRONIC CITATION REGULATION AND FEES.

CHAPTER 1

CITY JUDGE²

SECTION

- 3-101. Prior charter provisions.
3-102. Judicial department.

3-101. Prior charter provisions. Those sections of Article XI of the charter of the Town of Ashland City give to the Judicial Department of the city which are inconsistent with the provisions of this chapter hereby declared to be ineffective due either to this unconstitutionality as decreed by the Supreme Court of Tennessee in the case of The State of Tennessee, by and through the Town of South Carthage, Tennessee V. Chester Barrett, as filed September 28, 1992, or their supersession by this chapter. (1973 Code, § 1-501; Ord. #106, June 1994; and Ord. #112, Oct. 1994)

3-102. Judicial department. In accordance with public act of the General Assembly of the State of Tennessee, Chapter #115, April 12, 1993, the Judicial Department of the city shall be established and administered in the following manner:

(1) Number of judges. The board of mayor and aldermen shall establish from time to time, the ordinance, the number of persons who shall serve as city judge(s). By this ordinance such number established as one.

¹Charter reference
City court: § 22.

²Charter references
Absence of city judge: § 22(c).
Appointment, qualification and bond: § 22(a).
Jurisdiction, powers, and compensation: § 22(b).

(2) Qualifications and term. All persons serving as city judge shall meet the qualifications established by Article VI, Section 4 of the Tennessee Constitution, to-wit; they shall be 30 years of age, shall before their election have been a resident of the State of Tennessee for five years and of the city for one year, and shall be elected by the qualified voters of the city for a term of service of eight years.

(a) except for certain instances in which a person(s) may be appointed as city judge(s) for a term which shall expire after the applicable regular August general election, and

(b) except for any initial term of elected service which shall be shorter, all as provided hereinafter.

(3) Jurisdiction and powers. The jurisdiction of the city judge(s) shall extend to the trial of all offenses against the ordinances of the city and concurrently with the court of General Sessions of Cheatham County, Tennessee, for violation of the criminal laws of the state. Cost in trials of offenses against the ordinances of the city shall be provided by ordinance. Costs in other matters shall be as established under general laws of the state of Tennessee. The city judge(s) shall have the power to levy fines, penalties and costs, pursue all necessary process, to administer oaths, and to maintain order, including the power to punish and contempt by fine of confinement not exceeding the limits provided by general laws.

(4) Bail. The bail of persons arrested and awaiting trials and persons appealing the decisions of a city offense shall be fixed by the city judge and upon such security as in his discretion he deems necessary as otherwise may be provided by ordinance of general law.

(5) Separation of powers. The city judge(s) shall be the exclusive judge of the law and facts in every case before him and no official or employee of the city shall attempt to influence his decision except through pertinent facts presented in court.

(6) Popular election of judge(s). The popular election of the city judge(s) is hereby chosen as an alternative to the present method of selecting the city judge(s) as set out in this charter of the city, and all city judges shall be popularly elected, subject to the provisions for initial appointments as provided for herein and appointments to fill any vacancy.

(7) Term; election procedure. The term of office of a city judge shall be eight years, except for any initial term that may be shorter as provided herein. Upon this chapter becoming effective,¹ the board may appoint a qualified person(s) to serve in the position of city judge(s) until the next regular August general election. The first city judge(s) popularly elected pursuant to this chapter and state law shall be elected at the next regular August general

¹These provisions were taken from ordinance number 112 which passed second reading Oct. 11, 1994.

election that takes place at least 30 days after this chapter becomes effective. The person(s) elected at the aforesaid election shall serve only until replaced by a successor to be chosen at the next regular judicial election held in accordance with Article VII, Section 5 of the Tennessee Constitution. All subsequent elections for city judge pursuant to this chapter and general laws shall be held in accordance with article VII, section 5 of the Tennessee Constitution.

(8) Vacancy. A vacancy in the office of city judge shall be filled by appointment by the board. The person appointed, however, may serve only until the next regular August general election. At such election, a person shall be elected to serve any unexpired term if the full term of his successor is not to be filled at such election. In the temporary absence or inability of a city judge, the board shall appoint a qualified person to serve until the judge returns.

(9) Compensation. The salary and any other benefits relating to the office of all city judges shall be established by the board by ordinance prior to the commencement of the term of office and shall not be increased nor diminished during such term. The salary for the office of city judge is hereby fixed at eleven thousand two-hundred fifty dollars (\$11,250.00) per year. The salary shall be paid monthly from the general fund of the city.

(10) Records; docket; city clerk. The city does not elect, as permitted by the laws of the state of Tennessee, to require the city court clerk to be elected. The city administrator shall have the duty of maintaining all records of the city court in accordance with applicable laws. The city administrator may employ on behalf of the city a person to assist him in this function and such person shall be designated as city court clerk. The board shall require the proper maintenance of the docket of the city court and other records of the court. Subject to general law and the authority of the city judge(s), the board shall fix the regular time for holding court. (Ord. #106, June 1994 and Ord. #112, Oct. 1994, as amended by Ord. #304, June 2005, and Ord. #405, June 2013)

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. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1973 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs.¹ 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 or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace for similar work in state cases. (1973 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 town. At the end of each month he shall submit to the city council 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. (1973 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1973 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply 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. (1973 Code, § 1-506)

¹The current court costs, as provided by Ord. #277, June 2003, are of record in the office of the city clerk.

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. (1973 Code, § 1-503)

3-302. Issuance of summonses.² 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. (1973 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. (1973 Code, § 1-505)

¹State law reference

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

²Municipal code references

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

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. (1973 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1973 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty 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. When any arrested person posts a cash deposit he shall be given a receipt which shall explain the nature of the deposit.

Pursuant to Tennessee Code Annotated §§ 55-50-801--55-50-805, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic except driving under the influence of an intoxicant

¹State law reference

Tennessee Code Annotated, § 27-5-101.

or narcotic drug or leaving the scene of an accident, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court. All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated §§ 55-50-801--55-50-805, and any implementing orders of the Department of Safety, State of Tennessee. (1973 Code, § 1-510)

CHAPTER 5

ELECTRONIC CITATION REGULATION AND FEES

SECTION

3-501. Definition and fee.

3-502. Sunset provision.

3-501. Definition and fee. (1) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(2) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (as added by Ord. #420, Sept. 2014)

3-502. Sunset provision. This chapter and its fee requirement shall terminate five (5) years from the date of adoption of this chapter and the city's code shall be so annotated. (as added by Ord. #420, Sept. 2014)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. PERSONNEL SYSTEM.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. PURCHASING AGENT.

CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this Town of Ashland City to provide for all eligible employees and officials of the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1973 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1973 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. (1973 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1973 Code, § 1-704)

4-105. Records and reports to be made. The city clerk shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1973 Code, § 1-705)

CHAPTER 2

PERSONNEL SYSTEM

SECTION

- 4-201. Purpose of a personnel system.
- 4-202. Coverage.
- 4-203. Administration of the personnel system.
- 4-204. Personnel rules and regulations.
- 4-205. Personnel records.
- 4-206. Right to contract for special services.
- 4-207. Discrimination.
- 4-208. Amendments.

4-201. Purpose of a personnel system. The purpose of this chapter is to establish a system of personnel administration in the Town of Ashland City that is based upon merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapping condition. (Ord. #142, § 2, Jan. 1996)

4-202. Coverage. All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time employees in the city's service unless specifically placed in the exempt service.

Offices and positions of the municipal government placed in the exempt service are as follows:

- (1) All elected officials.
- (2) Members of appointed boards and commissions.
- (3) Consultants, advisers, and legal counsel rendering temporary professional service.
- (4) City attorney.
- (5) Independent contractors.
- (6) Persons employed not more than six (6) months during a fiscal year.
- (7) Part-time employees paid by the hour and not considered regular part-time.
- (8) Volunteer personnel appointed without compensation.
- (9) City Judge.

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the city charter. (Ord. #142, § 2, Jan. 1996)

4-203. Administration of the personnel system. The personnel system shall be administered by the mayor, with the following duties and responsibilities:

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state Laws relating to personnel administration.

(2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth in this chapter, the city charter and the municipal code.

(3) Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the city charter and code, and subject to any required approval of the city council and budget limitations.

(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.

(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data.

(6) Make periodic reports to the city council regarding the administration of the personnel system.

(7) Prepare and recommend to the city council a pay plan for all municipal government employees.

(8) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government.

(9) Be responsible for certification of payrolls.

(10) Develop a city travel policy covering travel reimbursement for employees and elected officials in conformance with state law.

(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the city council. (Ord. #142, § 2, Jan. 1996)

4-204. Personnel rules and regulations. The mayor shall develop further rules and regulations, in the form of a Policies and Procedures Manual, necessary for the effective administration of the personnel system. The city council shall adopt via resolution the rules and regulations presented to them by the mayor, with any necessary amendments agreed to by the council. If the city council has taken no action within ninety (90) days after receipt of the draft

personnel rules and regulations, they shall become effective as if they had been adopted, and shall have the full force and effect of law. Amendments to the rules and regulations shall be made in accordance with the procedure below. (Ord. #142, § 2, Jan. 1996)

4-205. Personnel records. The city recorder shall maintain adequate records of the employment history of every employee as specified herein. (Ord. #142, § 2, Jan. 1996)

4-206. Right to contract for special services. The city council may contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (Ord. #142, § 2, Jan. 1996)

4-207. Discrimination. No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (Ord. #142, § 2, Jan. 1996)

4-208. Amendments. Amendments or revisions to the personnel rules and regulations may be recommended for adoption by the mayor. Such amendments or revisions of these rules shall become effective after public hearing and adoption via resolution by the city council. (Ord. #142, § 2, Jan. 1996)

CHAPTER 3¹

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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

4-301. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program Plan for the employees of the Town of Ashland City. (1973 Code, § 1-1001, as replaced by Ord. #225, Dec. 2000, Ord. #267, March 2003, and Ord. #395, Aug. 2012)

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

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

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

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

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

¹This chapter was renumbered from chapter 4 to chapter 3, by Ord. #142, § 3, Jan. 1996.

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1973 Code, § 1-1002, as replaced by Ord. #225, Dec. 2000, Ord. #267, March 2003, and Ord. #395, Aug. 2012)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Ashland City shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Ashland City whether part-time or full-time, seasonal or permanent. (1973 code, § 1-1003, as replaced by Ord. #225, Dec. 2000, Ord. #267, March 2003, and Ord. #395, Aug. 2012)

4-304. Standards authorized. The occupational safety and health standards adopted by the city council are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (as added by Ord. #225, Dec. 2000, and replaced by Ord. #267, March 2003, and Ord. #395, Aug. 2012)

4-305. Variances from standards authorized. The city council may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the city council 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 city council shall be deemed sufficient notice to employees. (as added by Ord. #225, Dec. 2000, and replaced by Ord. #267, March 2003, Ord. #395, Aug. 2012, and Ord. #395, Aug. 2012)

4-306. Administration. For the purposes of this chapter, the building codes officer 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 for the Town of Ashland City. The director shall develop a plan of operation¹ for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #225, Dec. 2000, and replaced by Ord. #267, March 2003, Ord. #395, Aug. 2012, and Ord. #395, Aug. 2012)

4-307. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City Council of the Town of Ashland City. (as added by Ord. #225, Dec. 2000, and replaced by Ord. #267, March 2003, Ord. #395, Aug. 2012, and Ord. #395, Aug. 2012)

¹The plan of operation for this occupational safety and health program is located in Appendix A of this municipal code.

CHAPTER 4¹

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-401. General information.
- 4-402. General policies and procedures.
- 4-403. Vaccinations, testing and post-exposure management.
- 4-404. Training.
- 4-405. Records and reports.
- 4-406. Legal rights of victims of communicable diseases.
- 4-407. Amendments, repeals, and effective date.

4-401. General information. (1) Purpose. It is the responsibility of the Town of Ashland City to provide a place of employment which is free of recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Ashland City, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases. It is equally important that neither experiences discrimination due to basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of both discrimination and potential occupational exposure to hepatitis B virus (HBV), the human immunodeficiency virus (HIV) and tuberculosis (TB).

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

- (a) Housekeeping and custodial;
- (b) Police and security personnel;
- (c) Firefighters;
- (d) Sanitation and landfill workers; and
- (e) Any other employee deemed to be at high risk per this policy

and an exposure determination.

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

¹This chapter was renumbered from chapter 6 to chapter 4 by Ord. #142, § 3, Jan. 1996.

(a) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances and federal and state law relating to OSHA regulations;

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

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

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

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

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

(g) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and address the proper precautions to be taken and;

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

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

(b) "Communicable disease:" Infectious disease transmitted from person to person through contact with body fluids, inhalation of infected droplets or contact with infected materials.

(c) "Exposure:" The contact with body fluids or other potentially infectious materials through contact with open wounds, non-intact skin or mucous membranes during the performance of an individual's normal job duties.

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

(e) "Human Immunodeficiency Virus (HIV):" The virus that causes Acquired Immunodeficiency Syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or other body fluids and perinatally from mother to neonate.

(f) "Tuberculosis (TB):" An acute or chronic communicable disease that usually affects the respiratory system but may involve any system in the body.

(5) "Universal precautions:" Refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to potentially infectious materials to be protected as though such materials were HBV or HIV infected. (Ord. #121, § I, Oct. 1994)

4-402. General policies and procedures. (1) Policy statement. All blood and other potentially infectious materials may contain several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that ALL PERSONS SHOULD BE ASSUMED TO BE INFECTIOUS FOR HIV AND OTHER BLOOD-BORNE PATHOGENS. Universal precautions apply to blood, tissues and other potentially infectious materials. Universal precautions also apply to semen (although occupation exposure risk is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine and vomitus unless these substances contain visible blood

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

(a) Personnel shall think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other infectious materials.

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

(c) Soap and water kill many bacteria and viruses on contact. If gloves are contaminated with blood or other potentially infectious materials, wash hands after gloves are removed even if gloves appear to be intact. If soap and water or handwashing facilities are not available, use a waterless antiseptic hand cleaner according to the manufacturer's recommendation for the product.

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

(e) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there

is contact or potential contact with blood or other potentially infectious materials:

- (i) While handling an individual where exposure is possible;
- (ii) While cleaning or handling contaminated items or equipment;
- (iii) While cleaning a contaminated area.

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

(f) Resuscitation equipment shall be used when necessary. No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented. However, because of the risk of salivary transmission of other diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation bag-valve devices shall be used. Pocket masks shall have a one-way valve designed to isolate emergency response personnel from contact with a victim's blood and blood-contaminated saliva, respiratory secretions and vomitus and shall be made available to all personnel who provide or potentially provide emergency treatment.

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

(h) Gowns, aprons or lab coats shall be worn during procedures likely to generate splashes of blood or other potentially infectious materials.

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

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

(k) Place all disposable equipment (gloves, masks, gowns, etc....) in a clearly marked plastic bag. Place the bag in a second clearly marked plastic bag (double bag). Seal and dispose of bag by placing in a designated "Hazardous" dumpster. Note: Sharp objects must be placed in a puncture resistant container for proper disposal.

(l) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially

hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(i) Tags shall contain a signal word and a major message. The signal word shall be "Biohazard" or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to employees.

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

(iii) All employees shall be informed of the meaning of any tag used in the work place and what precautions are necessary.

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

The employee responsible for transporting soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves hands or other exposed skin surfaces shall be washed immediately and thoroughly after contact with potentially infectious materials.

(n) Disposable equipment shall be used whenever possible to minimize contamination and contain cleaning. (Ord. #121, § II, Oct. 1994)

4-403. Vaccinations, testing and post-exposure management.

(1) Hepatitis B vaccinations. The Town of Ashland City shall offer free of charge the appropriate hepatitis B vaccination to all city employees. This vaccination shall be administered in the amounts and in the time intervals prescribed by standard medical practice. This vaccine shall be voluntarily administered. High risk employees who wish to receive the HBV vaccination shall notify their department head who shall make the appropriate arrangements through the infectious disease coordinator. Those who refuse the vaccination must sign a refusal form.

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

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

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

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

Once an exposure has occurred a blood sample will be drawn after consent is obtained from the affected individual. The sample will be tested for hepatitis B surface antigen (HBsAG) and the antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided.

(3) Hepatitis B Virus post-exposure management. Once exposure to an HBsAG-positive source individual has occurred the worker who has not previously received the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B Immune Globulin (HBIG) is also recommended if it can be administered within seven days of exposure.

Once exposure to an HBsAG-positive source individual has occurred the worker who has previously received the hepatitis B vaccine series should be tested for antibodies to hepatitis B surface antigen (Anti-HBS). The worker should be given a single dose of vaccine and a single dose of HBIG if the antibody level in the worker's blood sample is inadequate (10 SRU by RIA, negative by EIA).

If the source individual is HBsAG-negative and the worker has not been previously vaccinated the worker should now take the opportunity to receive the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be a high risk for HBV. Management and treatment should be individualized for previously vaccinated workers who are exposed to a source individual who refuses testing or is not identifiable.

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

Following the initial test at the time of exposure seronegative workers should be retested six weeks, twelve weeks and six months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6-12 weeks after exposure) exposed workers should follow the U.S. Public Health Service recommendations for preventing transmission of HIV. These recommendations include refraining from blood donation and

using appropriate protection during sexual intercourse. During all phases of follow-up it is vital that worker confidentiality be protected.

If the source individual was found to be seronegative baseline testing of the exposed worker with follow-up testing twelve weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the county to all workers who may be concerned about HIV infection through an occupational exposure.

(5) Disability Benefits. Entitlement to disability and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Workers' Compensation Bureau in accordance with the provisions of T.C.A. 50-6-303. (Ord. #121, § III, Oct. 1994)

4-404. Training. (1) Regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HBV/HIV infection and procedures to be used if they are exposed to potentially infectious material. They shall also be counseled regarding possible risks to the fetus from HBV/HIV and other associated infectious agents.

(2) High risk employees. In addition to the above, high risk employees shall receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and the concept of Universal Precautions as it applies to their work situation. They shall also receive training in the meaning of color coding and other methods used to designate contaminated material as well as precautions to be used in handling contaminated material.

(3) New employees. All new employees will receive orientation training on infectious disease control prior to working. (Ord. #121, § IV, Oct. 1994)

4-405. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion or medical treatment are required to be included on the OSHA-200.

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

(3) Prescription medication. The use of prescription medication beyond a single dose for minor injury or discomfort is considered medical treatment. Since this treatment is considered necessary and must be

administered by a physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the county be inspected by the U. S. Department of Labor Office of Health Compliance the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with compliance officers. (Ord. #121, § V, Oct. 1994)

4-406. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

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

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

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

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

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer or health care provider that a victim has or is suspected of having a communicable disease,

that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is conveyed should be reminded the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information regarding a victim or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and criminal prosecution. (Ord. #121, § VI, Oct. 1994)

4-407. Amendments, repeals and effective date. (1) Amendments. Amendments or revisions of these rules may be recommended for adoption by any elected official or department head. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the governing body.

(2) Repeal. If any provision of this chapter, or if any policy or order thereafter or the application of any provision to any person or circumstance is held invalid, the remainder of the chapter and the application of the provisions of this chapter or of the policy or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

(3) Effective date. This chapter shall take effect twenty days from and after its first passage or upon final passage, whichever is later, the public welfare requiring it. (Ord. #121, § VII, Oct. 1994)

CHAPTER 5

PURCHASING AGENT

SECTION

4-501. Office created.

4-502. Duties.

4-503. Revisions to purchasing procedures.

4-501. Office created. As provided in Tennessee Code Annotated, § 6-56-301, et seq., the office of purchasing agent is hereby created and the city administrator shall faithfully discharge the duties of said office to make purchases for the town. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body. (Ord. #207, Aug. 1999)

4-502. Duties. The purchasing agent, as provided herein, shall purchase materials, supplies, services, and equipment, provide for leases and lease-purchase and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the city clerk. (Ord. #207, Aug. 1999)

4-503. Revisions to purchasing procedures. After initial approval by resolution of the governing body of this town, changes or revisions to the purchasing procedures shall be made only by resolution. (Ord. #207, Aug. 1999)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. PURCHASING.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for town funds.

5-101. Official depository for town funds. City funds can be deposited into any properly insured financial institution in the state of Tennessee. (1973 Code, § 6-101, as amended by Ord. #79, Aug. 1991, modified)

¹Charter references

Collection of delinquent taxes: § 45.

Property taxes and assessments authorized: § 41.

Property taxes--when due and delinquent; penalty and interest: § 44.

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-201. When due and payable.¹ Taxes levied by the town against real property shall become payable annually on the first day of November of the year for which levied. The due date shall be 30 days before March 1 of the succeeding year. (1973 Code, § 6-201)

5-202. When delinquent--penalty and interest.² All unpaid real property taxes shall become delinquent and subject to penalty and interest in accordance with the provisions of § 44 of the charter.³ (1973 Code, § 6-202)

¹State law references

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

²Charter and state law reference

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

³Charter and state law references

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

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

CHAPTER 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 town at the rates and in the manner prescribed by the said act. (1973 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the city clerk to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1973 Code, § 6-302)

CHAPTER 4

PURCHASING

SECTION

5-401. Purchase orders to be given to city employees only.

5-402. Purchases to be made by city employees only.

5-401. Purchase orders to be given to city employees only. Any and all invoices, bills, etc., to be paid for with city funds shall be made by purchase orders only. Purchase orders shall be given to city employees only. (Ord. #102, Dec. 1993)

5-402. Purchases to be made by city employees only. Only persons on the city payroll are authorized to buy equipment, parts, supplies, etc. in the name of "Town of Ashland City."

Any such purchases by anyone other than city employees will not be paid for by the city. The person making such purchases shall be held fully accountable for the debt. (Ord. #102, Dec. 1993)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST¹

SECTION

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

6-101. Policemen subject to orders and regulations. All policemen shall obey and comply with such orders and administrative rules and regulations as the city council and police chief may officially issue. (1973 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1973 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the city council shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1973 Code, § 1-403)

¹Municipal code reference

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

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

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1973 Code, § 1-404)

6-105. Policemen may require assistance. It shall be unlawful for any person to willfully refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1973 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1973 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1973 Code, § 1-407)

¹Municipal code reference

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

CHAPTER 2

WORKHOUSE

SECTION

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1973 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. (1973 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him. (1973 Code, § 1-603)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
5. BURN PERMIT ORDINANCE.
6. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all that area of the town zoned as the commercial A district(CBD). (1973 Code, § 7-101)

¹Municipal code reference
Building code: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

7-201. Fire code adopted.

7-202. Modifications.

7-203. Definition of "municipality."

7-204. Gasoline trucks.

7-205. Variances.

7-206. Violations and penalties.

7-201. Fire code adopted.² 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,³ 2009 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been filed with the city clerk and is available for public use and inspection. The fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (as amended by Ord. #431, Aug. 2015)

7-202. Modifications. The fire code Fire Prevention Code adopted in § 7-201 above is modified by deleting therefrom sections 1-5, titled Board of Appeals, in its entirety; § 7-206 below shall control appeals.

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Ashland City, Tennessee.

7-204. 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.

¹Municipal code reference

Building, utility, and housing codes: title 12.

²See title 12 of this municipal code for the adoption of the 1997 Edition of the Standard Fire Prevention Code.

³Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

7-205. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen.

7-206. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the city council. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the city council shall appoint. (1973 Code, § 7-301)

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

(1) To prevent uncontrolled fires from starting.

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

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

(4) To extinguish uncontrolled fires.

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

(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1973 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1973 Code, § 7-303)

7-304. 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

¹Municipal code reference

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

mayor once each month, and at the end of the year a detailed annual report shall be made. (1973 Code, § 7-304)

7-305. Tenure and compensation of members. The chief and all members of the fire department shall serve only so long as their conduct and efficiency are satisfactory to the mayor.

All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (1973 Code, § 7-305)

7-306. 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. (1973 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of 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. (1973 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-401. Equipment and personnel to be used only within corporate limits.

7-401. Equipment and personnel to be used only within corporate limits. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the town as to endanger the city property or unless expressly authorized in writing by the city council. (1973 Code, § 7-307)

CHAPTER 5

BURN PERMIT ORDINANCE

SECTION

7-501. Permit must be secured.

7-502. Restrictions.

7-503. Types of materials to be burned.

7-504. Violations.

7-501. Permit must be secured. No person, firm or corporation shall burn or attempt to burn any material outdoors on private or public property within the corporate limits of the Town of Ashland City, Tennessee, without first securing a permit from the Town of Ashland City Fire Department. (as added by Ord. #123, § I, Nov. 1994)

7-502. Restrictions. Before issuing a permit, the fire chief or his designee shall advise all applicants that the following restrictions apply to outdoor burning:

(1) 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. The issuance of a permit will in no way relieve the person responsible for such burning from the consequences or the damages, injuries or claims resulting from such burning.

(2) All materials to be burned shall be readily combustible.

(3) An area of at least 10 feet surrounding the material to be burned must be cleared to prevent the spread of fire.

(4) A continuous water supply equipped with a shut off nozzle and a hose long enough to reach fifteen (15) feet beyond the furthest pile shall be provided.

(5) If the requirements under section 4 cannot be met, a bulldozer with operator shall be provided on site.

(6) There shall be a qualified party assigned the sole duty to attend the fire from the time it is first set until the fire is totally extinguished.

(7) Burning shall not be permitted within 25 feet of any public street, alley way, state or federal highway.

(8) Materials used to facilitate such burning shall be minimal amounts of diesel fuel. (as added by Ord. #123, § I, Nov. 1994)

7-503. Types of materials to be burned. (1) Vegetation grown on that land (trees, leaves, etc.).

(2) Natural, untreated wood products. Wood that has been treated or painted shall be prohibited from burning.

(3) Paper products are prohibited from burning either to facilitate such burning or burned as waste material.

(4) Domestic burning consisting of rubbish or garbage is prohibited, although a special permit may be obtained in the event refuse collection service for such materials is not available. (as added by Ord. #123, § I, Nov. 1994)

7-504. Violations. Any person violating any of the provisions of this chapter shall be served by the city with written notice stating the nature of the violation. In order to maintain an active permit, such person shall have forty-eight (48) hours to correct such violation. The fire chief or his designee may refuse or revoke any permit not in accordance with this chapter. (as added by Ord. #123, § I, Nov. 1994)

CHAPTER 6

FIREWORKS

SECTION

7-601. Retail sale of fireworks restricted.

7-602. Permit required.

7-603. State of Tennessee permits required.

7-601. Retail sale of fireworks restricted. Only the retail sale of fireworks shall be allowed within the corporate city limits of the Town of Ashland City and are restricted to the following times and places:

(1) The sale of fireworks are prohibited except for the following days: June 20th thru July 5th and December 10th thru January 2nd.

(2) Fireworks cannot be sold within 300 feet of a home, hospital, nursing home, or church. (Ord. #141, § 1, Dec. 1995, as replaced by Ord. #159, § 1, Aug. 1996)

7-602. Permit required. Any dealer of fireworks must first obtain a permit from the city recorder before setting up his/her business. The cost of the permit shall be one thousand dollars (\$1,000.00). Copies of the permit will be forwarded to the Ashland City Fire Chief by the recorder. The fire chief shall have the responsibility of enforcing this chapter. (Ord. #141, § 2, Dec. 1995, as replaced by Ord. #159, § 2, Aug. 1996, and amended by Ord. #236, Sept. 2001)

7-603. State of Tennessee permits required. Any and all dealers must present said recorder with copies of any and all State of Tennessee permits as required by Tennessee Code Annotated, chapter 104 before the city permit will be issued. The city's permit will reference the state fire marshal's permit number. (Ord. #141, § 3, Dec. 1995, as replaced by Ord. #159, § 3, Aug. 1996)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. WINE IN A RETAIL FOOD STORE.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Sale, etc., of intoxicating liquor regulated.
- 8-102. Definitions.
- 8-103. State laws to be complied with.
- 8-104. Restrictions on operators of retail liquor stores.
- 8-105. Application for certificate of good moral character and city license.
- 8-106. Certificate of good moral character-expiration and renewal.
- 8-107. Certificate of good moral character-issuance.
- 8-108. Only one establishment to be operated by retailer.
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8-101. Sale, etc., of intoxicating liquor regulated. It shall be unlawful to purchase or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the Town of Ashland City, except as provided by Tennessee Code Annotated, § 57-3-101, et. seq. and by the rules and regulations promulgated hereunder, and as provided in this chapter.

¹State law reference

Tennessee Code Annotated, title 57.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (1973 Code, § 2-101, as replaced by Ord. #340, April 2008)

8-102. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every other liquid containing alcohol or spirits, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight or less.

(2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued by the State of Tennessee Alcoholic Beverage Commission.

(3) "Retail sale" means a sale of alcoholic beverage to a consumer.

(4) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provision herein.

(5) "Manufacturer" means and includes a distiller, vintner and rectifier.

(6) "Wholesale" or "sale at wholesale" means a sale to any person for purposes of resale.

(7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provision of Tennessee Code Annotated, §§ 57-3-101 through 57-3-110.

(8) "Words" importing the masculine gender shall include the feminine and the neutral, and the singular shall include the plural.

(9) "Person" means a private individual, partnership, joint venture, corporation, or any other business entity or association.

(10) "Premises" means the property owned, leased or controlled by the licensee and so connected with the liquor business in which the licensee is engaged as to form a component or integral part of it, including, but not limited to, the building and parking areas surrounding it.

(11) "Curb service" means all sales transacted outside of the building where the business is carried on. The intent of this provision being to insure that the sale and purchase of alcoholic beverages is transacted in a face-to-face meeting between the salesperson and the customer, with the customer outside of a motor vehicle and under such circumstances that the salesperson has a reasonable opportunity to determine if the customer is then in an intoxicated condition or is a minor.

(12) "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 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.

(13) "Federal license" shall not mean tax receipt or permit. (as added by Ord. #340, April 2008)

8-103. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the wholesale or retail liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #340, April 2008)

8-104. Restrictions on operators of retail liquor stores. (1) Government employees prohibited from obtaining permit. No person, member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointed or elective, or who is a public employee either national, state, city or county except uncompensated appointed members of boards of commissioners who have no duties covering the regulation of permit holders under this chapter. 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.

(2) Residence requirements. No person, member or firm, corporation, partnership or association shall own or operate a retail store for the sale of alcoholic beverages as herein defined if he/she shall not have been a resident of Cheatham County as concurrent with state law prior to making application for a license. This requirement as to residence in the case of a corporation, firm, associations, or a partnership shall apply to all of its officers, stockholders, and partners.

(3) Age limit. No retailer engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years. No employee engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under the age of eighteen (18) in his place of business to engage in the sale of alcoholic beverages.

(4) Criminal record. No retailer shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances within a ten (10) year period.

(5) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverage any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances, and in case an employee should be so convicted after becoming employed he shall immediately be discharged.

(6) Transfer or sale of license prohibited. The holder of a license may not sell, assign, or transfer such license to any other person, and the license shall be good and valid only for the calendar year in which the same was issued and at the location specified in the license.

(7) Undisclosed interest prohibited. It shall be unlawful for any person to have ownership in or to be a partner in or a stockholder, director, or officer, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in the business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a 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 such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and purchaser. (as added by Ord. #340, April 2008, and amended by Ord. #427, March 2015)

8-105. Application for certificate of good moral character and city license. Before any character certificate or city license is issued or a renewal of said certificate as required by Tennessee Code Annotated, § 57-3-213, the following must be accomplished.

(1) An application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (a) Name, age and address of the applicant.
- (b) Number of years of residence in Cheatham County.
- (c) Occupation or business and length of time engaged in such occupation or business.
- (d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (e) If employed, the name and address of employer.
- (f) If in business, the kind of business and location thereof.
- (g) The location of the proposed store for the sale of alcoholic beverages.
- (h) The name and address of the owner of the store.
- (i) A copy of corporate paperwork as filed with the Tennessee Secretary of State, copy of any partnership agreement, or any other material to show ownership of a partnership or corporation as may be determined by the council.

(j) A copy of any and all paperwork submitted to the alcoholic beverage commission including but not limited to the application filed with the ABC.

(k) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

(l) 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.

(m) The applicant shall place a notice in a local newspaper of general circulation concerning the applicant's intent to seek a license from the alcoholic beverage commission. The notice shall contain such information as is prescribed in section (16) of chapter 0100-3-09 of the Local Option Liquor Rules and Regulations and shall appear for at least three (3) consecutive issues immediately preceding the date that the applicant applies to the city for a certificate of compliance. The application shall be accompanied by a copy of the public notice and the sworn statement of the applicant that the notice was published in accordance with this section and the rules of the commission.

(n) The city shall, after examination, issue a certificate of compliance that is to be attached to the application provided to the state for state licensing. The city shall require a copy of all applications and information sent to the state.

(2) Each application shall be accompanied by a non-refundable investigation fee of five hundred (\$500.00) dollars. There is also an additional fee of one hundred dollars (\$100.00) for each additional criminal background checkup in partnerships and corporations for anyone owning a five percent (5%) or greater interest. Each applicant understands that a full background checkup will be done on not only the applicant but if a partnership, then the partner, and if a corporation then on anyone owing an interest of five percent (5%) or more. By applying for a certificate, the applicant and anyone that is required to have a background check hereby releases the Town of Ashland City from any and all liability that may be associated with the performance of the background check.

(3) The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages.

(4) An applicant for a certificate of good moral character will be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #340, April 2008)

8-106. Certificate of good moral character-expiration and renewal. Certificate of good moral character issues under this chapter shall expire after two (2) years or any time there is a change in ownership of the license's establishment or any time a license issued by the alcohol beverage commission is revoked, canceled, or otherwise terminated other than by expiration. There shall be a one hundred dollar (\$100.00) renewal fee per person to defray the cost of a new background check. (as added by Ord. #340, April 2008, and replaced by Ord. #380, Feb. 2011)

8-107. Certificate of good moral character-issuance. A certificate of compliance shall be authenticated as any other resolution of the city council if the city council, while in session, shall find that the applicant fulfills all the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to a majority of the city council, or it is found that the applicant's general character is good.

(2) If a corporation, partnership, association or firm, the executive officers or those in control and each owner, partner, or stockholder are of good moral character and personally known to a majority of the city council.

(3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.

(4) The applicant has not been convicted of a felony within (10) ten years prior to the date of application.

(5) In the opinion of the city council the applicant is not likely to violate the law regarding sales of alcoholic beverages.

(6) The applicant or applicants meets all the other requirements of this chapter. (as added by Ord. #340, April 2008)

8-108. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #340, April 2008)

8-109. Restriction to location. (1) Adequate off-street on-site parking space shall be available to any proposed liquor store and be in conformance with the zoning ordinances of the Town of Ashland City. No liquor store shall be located on any property unless such property is in a commercial district. To assure that these requirements are satisfied, no original license shall be issued until the planning and zoning board has reviewed and recommends the site plan submitted by the applicant to the city council.

(2) 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 corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type of building. Said store shall be of a minimum size of one thousand (1,000) square feet.

(3) 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 of alcoholic beverages there sold. All retail sales shall be confined to the premises of the structure and no curb service should be permitted nor shall there be permitted drive in windows. (as added by Ord. #340, April 2008)

8-110. Minimum distance requirement. No liquor store shall be located within three hundred foot (300') distance of separation from a church, school, other public institution, or public meeting place.

The distance of separation shall be determined by the length of a straight line drawn between the front door of the building of the church, school or public institution or a public entrance of the building and the front door of the building for which the license is sought. (as added by Ord. #340, April 2008)

8-111. Display of license. 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. (as added by Ord. #340, April 2008)

8-112. New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages to the same licensee until after the expiration of one (1) year from the date said revocation becomes final and effective. (as added by Ord. #340, April 2008)

8-113. Limitation on number of retailers. No more than three (3) retail licenses for the sale of intoxicating liquors shall be issued under this chapter. (as added by Ord. #340, April 2008)

8-114. Radios, amusement devises and seating facilities-prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be

permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #340, April 2008)

8-115. Regulations of sale. (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Transfers of ownership or possession of any alcoholic beverage by a retailer in any manner other than by retail sale is hereby prohibited.

(3) Sales on Sundays prohibited. No retailer shall sell any alcoholic beverages between 11:00 P.M. on Saturdays and 8:00 A.M. on the following Monday of each week.

(4) Sales to minors prohibited. No retailer shall sell any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21).

(5) Sales on certain holidays prohibited. No retailer shall sell any alcoholic beverages on the following holidays: Christmas, New Years, Thanksgiving, Labor Day and Fourth of July.

(6) Keeping an unsealed bottle or container prohibited. No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) Sales to person intoxicated prohibited. No retailer shall sell any alcoholic beverages to any person who is intoxicated nor shall any retailer sell any alcoholic beverages to any person accompanied by a person who is intoxicated.

(8) Sales on credit prohibited. No holder of permit 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.

(9) Unstamped merchandise prohibited. No retailer shall own, store or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

(10) Political advertising prohibited. No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(11) Consumption on the premises prohibited. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller. (as added by Ord. #340, April 2008)

8-116. Inspection fee. The following shall apply regarding inspection fees:

(1) There is hereby imposed an inspection fee on all gross purchases of alcoholic beverages made by licensees under this chapter. Said fee to be in the amount of five percent (5%).

(2) The inspection fee shall be collected by the wholesaler from the retailer at the time of sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(3) Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the Town of Ashland City as hereinafter provided.

(4) Each wholesaler making sales to retailers located within the corporate limits of the Town of Ashland City shall furnish the City of Ashland City a report monthly, which report shall contain the following:

(a) The name and address of the retailer;

(b) The wholesaler price of the alcoholic beverages sold to such retailer;

(c) The amount of tax due under this section; and

(d) Such other information as may be required by the Mayor and City Council of the Town of Ashland City. The monthly report shall be furnished to the city recorder of the town not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the Town of Ashland City shall be paid to the Town of Ashland City. The wholesaler shall be entitled to reimbursement for this collection service a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the Town of Ashland City.

(5) Each wholesaler who fails to collect and/or remit in a timely manner the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten percent (10%) of the fee due the Town of Ashland City which shall be payable to the Town of Ashland City.

(6) The Town of Ashland City shall have the authority to audit the records of all wholesalers subject to the provision of this section in order to determine the accuracy of said monthly report. (as added by Ord. #340, April 2008, and replaced by Ord. #425, Feb. 2015)

8-117. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction be punishable by a penalty under the general penalty provisions of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #340, April 2008)

CHAPTER 2

BEER

SECTION

- 8-201. Interpretation and enforcement.
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- 8-215. Prohibited conduct or activities by permit holders, agents, servants or employees.
- 8-216. Revocation and suspension proceedings.
- 8-217. Civil penalties.
- 8-218. Fees.

8-201. Interpretation and enforcement. This chapter and the provisions herein shall be interpreted and enforced in conjunction with the laws of the State of Tennessee in regard to beer and other beverages of less than five percent (5%) alcoholic content. In the event of conflicts or inconsistencies, the laws of the State of Tennessee shall control. (Ord. #101, Dec. 1993)

8-202. Definitions. (1) "Beer" as used in this chapter shall mean and include all beers, ales and other malt liquors having an alcoholic content of not more than five percent (5%) by weight, and excluding "wine," as defined in T.C.A. § 57-3-101(a)(20).

(2) "Moral turpitude" as used in this chapter shall mean premeditated murder, all sex related crimes, the illegal sale of Schedule I and II controlled substances as designated under T.C.A. §§ 39-17-405 through 39-17-408, and embezzlement. (Ord. #101, Dec. 1993)

8-203. Hours of sale. No beer shall be sold between 3:00 A.M. and 6:00 A.M. Monday through Saturday, or on Sunday from 3:00 A.M. until 12:00 noon. (Ord. #101, Dec. 1993, as amended by Ord. #252, May 2002, as amended by Ord. #298, Jan. 2005)

8-204. Taxes to be collected. The city's clerk is hereby directed to take appropriate action to ensure payment to the city of the wholesale beer tax levied by the Wholesale Beer Tax Act, as set out in T.C.A. § 57-6-101 et seq. The city's clerk is further directed to take appropriate action to ensure payment to the city of the privilege tax imposed on the business of selling, distributing, storing or manufacturing beer under T.C.A. § 57-5-104(b). (Ord. #101, Dec. 1993)

8-205. Establishment: membership. There is hereby established a beer board to be composed of all the members of the city council. The board shall elect a chairman of the beer board. All members of the beer board shall serve without additional compensation. (Ord. #101, Dec. 1993)

8-206. Meetings. All meetings of the beer board shall be open to the public. When there is business to come before the beer board, a meeting may be called by the chairman, the city manager or clerk, provided that a reasonable notice thereof is given to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #101, Dec. 1993)

8-207. Record of proceedings. The clerk shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #101, Dec. 1993)

8-208. Requirements for quorum, 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 only by a majority of the total membership of the beer board. Any member present but not voting shall be deemed to have cast a "nay" vote. Applicants or permit holders adversely affected by a vote of the beer board at a meeting in which the total membership is not present may request a rehearing before the full board. (Ord. #101, Dec. 1993)

8-209. Powers and duties. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the city in accordance with the provisions of this chapter. (Ord. #101, Dec. 1993)

8-210. Permit required for engaging in beer business. (1) It shall be unlawful for any person to sell, store for sale, distribute for sale or manufacture beer without first making application to and obtaining a permit from the beer

board. The application shall be made on such form as the board shall prescribe and/or furnish. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

(2) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint-stock company, syndicate or association.

(3) The periodic renewal of beer permits shall not be required. However, a permit shall be valid:

(a) only for the owner to whom the permit is issued and cannot be transferred to another owner. 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;

(b) only for a single location, and cannot be transferred to another location; and

(c) only for a business operating under the name identified in the permit application.

(4) A beer permit shall not be valid if beer is not sold, distributed or manufactured by the permit holder during any continuous six-month period after issuance of the permit.

(5) A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change in name of the business; 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 in name of the business. (Ord. #101, Dec. 1993)

8-211. Restrictive nature. 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. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

(1) "On-premise" permit. A permit may be issued to a business engaged in the sale of beer where the beer is to be consumed by the purchaser or his/her guests upon the premises of the seller. No on-premises type permits will be issued authorizing the storage, sale, or manufacturing of beer unless the permittee meets the following qualifications defining a restaurant, special permit, golf course, or hotel:

(a) Restaurant. A restaurant shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, each place being provided with adequate and sanitary kitchen and dining room equipment and seating

capacity of at least sixteen (16) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted; to qualify as a "restaurant" hereunder, receipts from the sale of food shall be at least 60% of the total gross receipts in any consecutive month period for the business establishment.

(b) Hotel. "Hotel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which fifty (50) or more rooms are used for the sleeping accommodations of such guests and having one (1) or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least seventy-five (75) at tables, where meals are regularly served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operations of a restaurant on their premises and the holder of such franchise shall be included in the definition of hotel herein. To qualify as a "hotel" hereunder, receipts from the sales of alcoholic beverages shall not exceed 40% of the total gross receipts in any consecutive two-month period for the business establishment.

Hotel also means and includes all entities previously described wherein sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which thirty (30) or more suites are used for sleeping accommodations of such guests and having eating facilities in each room for four (4) or more persons with an adequate and sanitary central kitchen from which meals are regularly prepared and served to guests in such suites. For the purpose of this section a suite is defined as a guest facility within a hotel where living, sleeping, and dining are regularly provided for such guests within the individual units provided for guests. Provided, however, that no such hotel or suite as defined in this subdivision shall be authorized to charge for, inhibit or otherwise interfere in any way with the rights of its guests or tenants to carry into rooms or suites rented by them their own bottles, packages or other containers of alcoholic beverages or to use or serve them to themselves, their own visitors or guests within the individual units rented or leased by them.

(c) Special occasion permit. "Special occasion permit" means a permit, which the board may issue to a bona fide charitable, nonprofit or political organization. Such a permit may be issued for no more than one time per month by the permittee, with each use being limited in duration to a maximum of seventy-two (72) consecutive hours, subject to the limitations on hours of sale by this chapter. Written notice of the time and place of each intended use shall be given the director of codes or the mayor's designated representative at least five (5) business days before the event.

(d) Golf course. A recreational facility developed for the primary sport of golf, not to be less than nine (9) holes, managed and regularly maintained by the operator of the facility. To qualify as a "golf course" hereunder, receipts from the sales of alcoholic beverages shall not exceed 40% of the total gross receipts in any consecutive two-month period for the business establishment.

(2) "Off-premise" permit. An off-premise permit may be issued to a business engaged in the sale of beer for consumption and not resale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller. (Ord. #101, Dec. 1993, as amended by Ord. #252, May 2002)

8-212. Conditions of permits. Every permit issued by the beer board shall be issued subject to the following conditions:

(1) The premises for which such permit is issued are declared to be a public place for the purpose of inspection by the city's codes inspection officers and police officers or by any other duly authorized law enforcement officer.

(2) The permit holder shall keep invoices and all other memoranda relating in any way to the storing, sale, distribution or manufacture of beer, and shall permit the city's finance director or his designees to inspect, at any time during business hours, all such articles, containers, packages, invoices, books, papers and memoranda as may be deemed necessary in the opinion of the finance director or his designees in determining whether or not all local taxes have been paid or in determining the amount of such taxes that may be due.

(3) The permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law.

(4) The name of the manager responsible for the sale, distribution or manufacture of beer from the location for which the permit is granted shall be provided to the city. In the event of a change in management, the name of any subsequent manager shall be provided to the city within seven (7) days following such change. (Ord. #101, Dec. 1993)

8-213. Interference with public health, safety, morals. No permit authorizing the sale 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 or morals. In no event will a permit be issued authorizing the storage, sale or manufacture of beer at places within one hundred (100) feet of any school, church or other such place of public gathering, as measured in a straight line from the nearest public entrance of such school, church or other such place to the nearest public entrance of the business in which beer is to be sold, stored or manufactured. No permit shall be suspended, revoked or denied on the basis of proximity to a school, church or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1, 1993, provided that the sale, distribution or manufacture of beer at such location is not discontinued for any continuous six-month period. (Ord. #101, Dec. 1993, as amended by Ord. #261, Oct. 2002)

8-214. Persons convicted of certain crimes deemed ineligible. In order to receive a beer permit, an applicant must establish that he has not been convicted of any violation of the laws against the possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude or any felony within the past ten (10) years, and that no person to be employed by the applicant in the sale or distribution of beer has been so convicted. If the applicant is not an individual, it must establish that no person, firm, joint-stock company, syndicate or association having a least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against the possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude or any felony within the past ten (10) years. (Ord. #101, Dec. 1993)

8-215. Prohibited conduct or activities by permit holders, agents, servants or employees. The beer board shall have the power and authority to revoke or suspend any permits issued by it for any violation of any provisions of state law regulating the sale, storage, and transportation of alcoholic beverages or for any violation of any provisions of this code or any other ordinance of the Town of Ashland City or when the permittee:

- (1) Operates a disorderly place.
- (2) Permits boisterous or disorderly conduct on the premises.
- (3) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude or any felony.
- (4) Permits minors to loiter about the premises, the burden of ascertaining the age of minor customers being upon the owner or operator of the place of business.
- (5) Has made a false statement or misrepresentation of a material fact in any application or notice to the board.
- (6) Sells or allows to be sold on the premises of the permittee any beer to any minor, provided that the board's power and authority to suspend or

revoke permits on the grounds on sales to minors shall be limited by the provisions of T.C.A. § 57-5-109(b).

(7) Sells or allows to be sold on the premises of the permittee beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer.

(8) Brings, causes, or allows to be brought onto the premises of any permittee any prohibited drugs under the provisions and within the meaning of the Tennessee Code Annotated.

(9) Employs any person in the sale or distribution of beer who has been convicted of any violation of the laws against the possession, sale, manufacturing, or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten (10) years.

(10) Makes or allows any sale to any intoxicated person, or to any insane or otherwise mentally incapacitated person.

(11) Allows any intoxicated person to loiter on or about the premises.

(12) Fails to provide and maintain sanitary toilet facilities or fails to comply with any state, county or local health laws and regulations. (Ord. #101, Dec. 1993, modified, as amended by Ord. #140, § 1, Nov. 1995)

8-216. Revocation and suspension proceedings. No beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to the permit holder, except that if a permit holder fails to pay the annual privilege tax established under T.C.A. § 57-5-104(b) or fails to provide the information required under T.C.A. § 57-5-104(c), then the permit shall be considered void in accordance with said statutes. Revocation or suspension proceedings may be initiated by the city manager or the police chief or by any member of the beer board. (Ord. #101, Dec. 1993)

8-217. Civil penalties. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. The holder's payment of a civil penalty shall not affect his ability to seek review of the civil penalty pursuant to state law. (Ord. #101, Dec. 1993)

8-218. Fees. All applications for the issuance of permits from the beer board shall be accompanied by an application fee of \$250 or such other amount as may be established by state law for use in off-setting and defraying the expenses of investigating the applicant and processing the application. No

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portion of such fee shall be refunded to the applicant notwithstanding whether an application is approved or denied. (Ord. #101, Dec. 1993)

CHAPTER 3

WINE IN A RETAIL FOOD STORE

SECTION

8-301. Definitions.

8-302. Certification of compliance by the city.

8-303. Expiration of certificate of compliance.

8-301. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Retail food store" means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in Tennessee Code Annotated, § 67-6-228(a) and has retail floor space of at least one thousand two hundred (1,200) square feet.

(2) 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 eighteen percent (18%) 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. Wine does not mean alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additions. (as added by Ord. #444, Feb. 2016)

8-302. Certificate of compliance by the city. As a condition precedent to the issuance of a license by the alcoholic beverage commission, Tennessee Code Annotated, § 57-3-806 requires that the retail food store obtain a certificate of compliance. In order to obtain a certificate of compliance, an applicant shall first apply on a form furnished by the city recorder. Upon verification that the applicant meets the requirements of Tennessee Code Annotated, § 57-3-806(b), the mayor may issue the certificate without action by the council. Alternatively, members of the council may sign the certificate and the certificate shall be issued when a majority of the members have signed it. The certificate shall be granted or denied within sixty (60) days after the application for the certificate is submitted to the city. (as added by Ord. #444, Feb. 2016)

8-303. Expiration of certificate of compliance. A certificate of compliance for the sale of wine at a retail food store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six (6) months of the date of the certificate, or if the retail food store for which a certificate was granted is not in

operation within twelve (12) months following the issuance of certificate; provided, however, that the mayor or a majority of the council may, upon written request of the applicant, extend the expiration date of a certificate for up to three (3) additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this article are met at the time the new application is received. (as added by Ord. #444, Feb. 2016)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. PAWN BROKERS.
7. EVENT PERMIT.
8. TAXICABS.
9. YARD SALES.

CHAPTER 1

MISCELLANEOUS

SECTION

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1973 Code, § 5-101)

¹Municipal code references

Building regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHATTER 2

PEDDLERS, ETC.¹

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser, 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. (1973 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. (1973 Code, § 5-202)

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

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

¹Municipal code references
Privilege taxes: title 5.

(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 properly evaluate the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor 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) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1973 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city clerk shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city clerk shall keep a permanent record of all permits issued. (1973 Code, § 5-204)

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

five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1973 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city clerk a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, 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. (1973 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1973 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 such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1973 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1973 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. (1973 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

(2) Notice of the hearing for revocation of a permit shall be given by the city clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing,

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1973 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. (1973 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1973 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Time, place, and manner of restrictions.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city clerk authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1973 Code, § 5-301)

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

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1973 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the city council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1973 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1973 Code, § 5-304)

9-305. Time, place, and manner of restrictions. The following restrictions are placed on the time, place, and manner of charitable solicitations that may be done on any street, sidewalk, or other public property in the City of Ashland City.

(1) No person under the age of twelve (12) will be permitted to be at or to solicit on public streets, sidewalks, or other public ways. Each participant age twelve (12) through seventeen (17) must have an active, supervising adult present.

(2) Road blocks may be held for one day only. They may not begin before 7:00 A.M. and they must be completed by 12:00 noon on the assigned day.

(3) Solicitors shall not impede the normal flow of traffic on streets, sidewalks, or other public ways.

(4) Solicitors will wear adequate identification regarding the club/charity for which they are soliciting.

(5) No club or charity may conduct a solicitation within the city limits more than once every six months.

(6) Solicitations may take place simultaneously at four (4) of the five (5) locations listed below:

- (a) By-Pass at Hwy. 12 (located on the By-Pass Section).
- (b) By-Pass at Cumberland St. (located on the By-Pass Section).
- (c) Main St. at Elizabeth St. and Stratton Blvd.
- (d) Hwy. 49 at Hwy. 12 intersections.
- (e) Vine St. at Cumberland St. (Ord. #81, Aug. 1991)

CHAPTER 4

POOL ROOMS¹

SECTION

9-401. Hours of operation regulated.

9-402. Minors to be kept out; exception.

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 on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days. (1973 Code, § 5-401)

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, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1973 Code, § 5-402)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

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

¹For complete details relating to the cable television franchise agreement see Ord. #27, Nov. 1981; Ord. #162, Jan. 1997; Ord. #191, Nov. 1998; and Ord. #251, Aug. 2002, in the office of the city clerk.

CHAPTER 6

PAWNBROKERS

SECTION

9-601. Adopted.

9-601. Adopted. Part-2 Tennessee Pawnbrokers Act of 1988 (Tennessee Code Annotated, § 45-6-219 et seq.), is hereby adopted in its entirety by reference for the purpose of regulating pawnbrokers. (Ord. #193, § 1, Dec. 1998)

CHAPTER 7

EVENT PERMIT

SECTION

- 9-701. "Event permit" required.
- 9-702. "Event" defined.
- 9-703. Exemptions.
- 9-704. Application contents and fee.
- 9-705. Approval of application.
- 9-706. Issuance of event permit.
- 9-707. Additional services.
- 9-708. Concession booths and vendors.
- 9-709. Revocation.

9-701. "Event permit" required. Whenever any person, group, association, club, business, firm, or corporation desires to sponsor any "event," as hereinafter defined, such person, group, association, club, business, firm or corporation shall first obtain an "event permit" from the Town of Ashland City. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-702. "Event" defined. An "event" is any festival, parade, race, dance, celebration or other gathering involving the use of public facilities in the Town of Ashland City, including, but not limited to parks, streets, alleys, sidewalks, or other city owned facilities which necessitates additional services as described in § 9-707 of this chapter, and which includes a general invitation to all members of the public to either participate in and/or view such event, or part thereof. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-703. Exemptions. Any/all government or not for profit organizations shall be exempt from paying any cost under § 9-707 of this chapter but shall not be exempt from obtaining an "event permit" from the Town of Ashland City. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-704. Application contents and fee. Event permits shall be issued only upon the submission of an application therefore which must be filed with the city clerk a minimum of forty-five (45) days prior to the anticipated date of the event. Such application must contain the following information:

(1) A detailed description of the event, including all associated events and/or uses, and the date or dates and hours of the event. Event permits shall not be issued for more than three (3) days, unless otherwise approved by the "event committee." A site plan shall be submitted upon request.

(2) A detailed description of the specific area where the event shall be held, and, if street closure is requested, a complete listing of such streets or portions thereof, together with the dates and hours of closure.

(3) A description of any city services and/or utilities that shall be needed.

(4) A complete list of any city owned facilities that shall be used.

(5) The approximate number of citizens expected to either participate in and/or view the event.

(6) The exact name of the person, group, association, club, business, firm, or corporation sponsoring said event, together with the complete name, address, and telephone number of the person to contact for all communications from the city.

(7) Certificate of insurance naming the city as secondary insured, with same/equal limit one million dollars (\$1,000,000.00) general liability and one million dollars (\$1,000,000.00) per occurrence.

(8) The payment of twenty-five dollars (\$25.00) for processing fee of the application. Additional fees/deposits may apply. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-705. Approval of application. The "event committee" shall review all such applications. This committee shall consist of, but is not limited to, the mayor, his staff, and department heads. The committee shall grant final approval of the event permit. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-706. Issuance of event permit. After the approval of the application, the event permit shall be issued by the event committee only after the sponsor has presented the city with a certificate of insurance, with same/equal limit one million dollars (\$1,000,000.00) general liability and one million dollars (\$1,000,000.00) per occurrence, with the Town of Ashland City named as secondary insured, protecting the city from any and all claims and liabilities arising out of the event. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-707. Additional services. (1) The city reserves the right to require that one (1) or more Ashland City police officers or other city personnel are present at any and all events that occur within the city limits. Please budget for this request at forty dollars (\$40.00) per hour or overtime salary plus percentage at a minimum of two (2) hours. All city services and utilities which are required by the event over and above the normal level of service provided to the general public shall be charged to the sponsor at the rates established by this chapter. Where possible, such additional services shall be paid within forty-five (45) days upon the receipt of a statement from the Town of Ashland City.

(2) Additional services/charges. Other: any expenses incurred above the normal level of service to accommodate the permit holder, i.e., port-o-johns, additional electrical services, seating, etc., shall be at the event permit holder's expense. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-708. Concession booths and vendors. The event sponsor shall be in charge of all concession booths and vendors. The sponsor shall determine what booths and vendors shall be allowed, and see that they comply with all ordinances, statutes, rules and regulations, including, but not limited to: public health, safety requirements, and anti-discrimination laws. For events which have multiple vendors, a form must be completed for each vendor that contains: name and location of business, name of managing agent, and copy of managing agent's driver's license. Background checks may be conducted on any vendor. A map/drawing of the event should be returned to the city with the application that shows location of each vendor. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

9-709. Revocation. The event committee or his/her designee shall have the authority to immediately revoke the permit for a violation of any section of this chapter or if there is any direct threat to the health or safety of the general public. (as added by Ord. #223, Nov. 2000, and replaced by Ord. #359, July 2009)

CHAPTER 8

TAXICABS

SECTION

- 9-801. Certificate of public convenience and necessity.
- 9-802. Taxicab businesses located outside the city.
- 9-803. Liability insurance or bond.
- 9-804. Condition of vehicles.
- 9-805. Cleanliness of vehicles.
- 9-806. Drivers shall not solicit business.
- 9-807. Parking restricted.
- 9-808. Drivers to use direct routes.
- 9-809. Use for illegal purposes.
- 9-810. Violations.

9-801. Certificate of public convenience and necessity. It shall be unlawful for any person to engage in the taxicab business unless he has been issued by the town council a certificate of public convenience and necessity. (as added by Ord. #224, Nov. 2000)

9-802. Taxicab businesses located outside the city. A taxicab business located outside of the city may operate taxicabs within the city, subject to the provisions of this chapter, provided that any such taxicab business shall maintain a current taxicab franchise, if required, in the jurisdiction in which it is located. (as added by Ord. #224, Nov. 2000)

9-803. Liability insurance or bond. No taxicab shall be operated in the city unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, § 55-12-101 et seq. (as added by Ord. #224, Nov. 2000)

9-804. Condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless such taxicab is equipped in accordance with the requirements of the state motor vehicle law. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. Any taxicab operated shall be clearly marked and identified as a taxicab with appropriate signage. (as added by Ord. #224, Nov. 2000)

9-805. Cleanliness of vehicles. All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. (as added by Ord. #224, Nov. 2000)

9-806. Drivers shall not solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (as added by Ord. #224, Nov. 2000)

9-807. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the city for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not unreasonably to interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (as added by Ord. #224, Nov. 2000)

9-808. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (as added by Ord. #224, Nov. 2000)

9-809. Use for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business or purpose. (as added by Ord. #224, Nov. 2000)

9-810. Violations. Any person who shall fully or deliberately violates or fails to comply with, or aids or abets, in the violation of, any provision of this chapter shall be guilty of a misdemeanor. Upon conviction thereof, the offense shall be punished by a fine of not to exceed \$500.00. (as added by Ord. #224, Nov. 2000)

CHAPTER 9

YARD SALES

SECTION

- 9-901. Definitions.
- 9-902. Property permitted to be sold.
- 9-903. Permit required.
- 9-904. Permit procedure.
- 9-905. Permit conditions.
- 9-906. Hours of operations.
- 9-907. Exceptions.
- 9-908. Display of sale property.
- 9-909. Display of permit.
- 9-910. Advertising.
- 9-911. Persons exempted from chapter.
- 9-912. Violations and penalty.

9-901. Definitions. For such purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such business carried on in a nonresidential zone where the person conducting the sale does so on a regular day to day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as added by Ord. #338, Nov. 2007)

9-902. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale under authority granted by this chapter, property other than personal property. (as added by Ord. #338, Nov. 2007)

9-903. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the city codes department. Members of more than one (1) residence may

join in obtaining a permit for a garage sale to be conducted at the residence of one of them.

Permits may be obtained for any nonresidential location. (as added by Ord. #338, Nov. 2007)

9-904. Permit procedure. (1) Application. The applicant or applicants for a garage sale permit shall file a written application with the city codes official at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants.
- (b) The location at which the proposed garage sale is to be held.
- (c) The date or dates upon which the sale shall be held.
- (d) The date or dates of any other garage sales by the same applicant or applicants within the current year.
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.
- (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.
- (g) Locations where signs will be placed.

(2) Issuance of permit. Upon the applicant complying with the terms of this chapter, the building codes official shall issue a permit. (as added by Ord. #338, Nov. 2007)

9-905. Permit conditions. The permit shall set forth and restrict the time and location of such garage sale. No more than two (2) such permits may be issued to one (1) residential location, residence and/or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. (as added by Ord. #338, Nov. 2007)

9-906. Hours of operations. Garage sales shall be limited in time to no more than 7:00 A.M. to 5:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday). (as added by Ord. #338, Nov. 2007)

9-907. Exceptions. (1) If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the city recorder shall issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) Third sale permitted. A third garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real

property is first presented to the city recorder. (as added by Ord. #338, Nov. 2007)

9-908. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. All personal property shall be removed within twenty-four (24) hours of the last day of the sale. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (as added by Ord. #338, Nov. 2007)

9-909. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official. (as added by Ord. #338, Nov. 2007)

9-910. Advertising. (1) Signs permitted. Only the following specified signs maybe displayed in relation to a pending garage sale:

(a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.

(b) Directional signs. Two (2) signs or not more than two (2) square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed. The signs shall not be allowed on public property, (i.e. utility poles, street signs, etc).

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed within twenty-four (24) hours of the last day of the sale. (as added by Ord. #338, Nov. 2007)

9-911. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the Town of Ashland City, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in

which sale would be conducted from the properly zoned premises, and not otherwise prohibited by other ordinances.

(4) Organizations that are not for profit. (as added by Ord. #338, Nov. 2007)

9-912. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be punished according to the general penalty provision of this municipal code of ordinances. (as added by Ord. #338, Nov. 2007)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. ANIMAL CONTROL REGULATIONS.
2. [DELETED].

CHAPTER 1

ANIMAL CONTROL REGULATIONS

SECTION

- 10-101. Purpose.
- 10-102. Definitions.
- 10-103. Nuisances.
- 10-104. Caring for animals
- 10-105. Cruelty to animals.
- 10-106. Restraint of guard dogs.
- 10-107. Restraint of vicious or dangerous animals.
- 10-108. Property owners may impound.
- 10-109. Disposition of large animals.
- 10-110. Impoundment.
- 10-111. Quarantine.
- 10-112. Notice to owners and redemption.
- 10-113. Enforcement.
- 10-114. Violations and penalties.
- 10-115. Conflicting regulations.

10-101. Purpose. The purposes of these regulations are to promote the public health, safety and general welfare of the citizens of Ashland City, Tennessee and to ensure the humane treatment of animals by regulating the care and control of animals within Ashland City, Tennessee. (1973 Code § 3-101, as replaced by Ord. #310, July 2005)

10-102. Definitions. When used in these regulations, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Animal" means any live creature, both domestic and wild, except humans. "Animal" includes fowl, fish and reptiles.

(2) "Animal control officer" means an employee or agent of the county or city, designated by the county mayor or Ashland City mayor to administer

and enforce the licensing, inspection and enforcement requirements contained within these Regulations.

(3) "Animal hospital" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

(4) "Animal nuisance" means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

(5) "Animal shelter" means any facility operated by the county or humane society for the temporary care, confinement and detention of animals and for the humane euthanasia and other disposition of animals. The term shall also include any private facility authorized by the city mayor or his designee to impound, confine, detain, care for or destroy any animal.

(6) "At heel" means a dog is directly behind or next to a person and obedient to that person's command.

(7) "At large" means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

(8) "Cruelty" means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

(9) "Disposition" means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

(10) "Domestic animal" includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

(11) "Exotic animal" means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

(12) "Guard or attack dog" means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

(13) "Impoundment" means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

(14) "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for fee, or selling dogs or cats.

(15) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(16) "Owner" means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by these regulations. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

(17) "Public nuisance animal" means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

(a) Any animal that is repeatedly found running at large;

(b) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint or otherwise under the owner's control;

(c) Any animal that damages, soils, defiles or defecates on any property other than that of its owner;

(d) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(e) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;

(f) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;

(g) Any animal that chases motor vehicles in a public right-of-way;

(h) Any animal that attacks domestic animals;

(i) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(j) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

(18) "Sanitary" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(19) "Under restraint" means that an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(20) "Vicious or dangerous animal" means any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous.

(21) "Wild animal" means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. (1973 Code, § 3-102, as replaced by Ord. #310, July 2005)

10-103. Nuisances. It shall be unlawful for any person to keep any animal on any property located within the city limits of Ashland City, Tennessee, when the keeping of such animal constitutes a public nuisance or menace to public health or safety. (1973 Code, § 3-103, as replaced by Ord. #310, July 2005)

10-104. Caring for animals. (1) It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily and unreasonably expose any such animal in hot, stormy, cold or inclement weather.

(2) No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person. (1973 Code, § 3-104, as replaced by Ord. #310, July 2005)

10-105. Cruelty to animals. (1) It shall be unlawful for any person to willfully or maliciously strike, beat, abuse or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away or defend against vicious or trespassing animals.

(2) No person shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the

intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents. (1973 Code, § 3-105, as replaced by Ord. #310, July 2005)

10-106. Restraint and confinement--generally. (1) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the city.

(2) Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

(3) No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

(4) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding. (1973 Code, § 3-106, as replaced by Ord. #310, July 2005)

10-107. Restraint of guard dogs. (1) Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure.

(2) The areas of confinement shall have all gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.

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

(4) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies. (1973 Code, § 3-107, as replaced by Ord. #310, July 2005)

10-108. Restraint of vicious or dangerous animals. Every vicious animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than three (3) feet in length, or caged. Every person harboring a vicious animal is charged with an affirmative duty to confine the animal in such a way that children do not have access to such animal. (1973 Code, § 3-108, as replaced by Ord. #310, July 2005)

10-109. Property owners my impound. Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the department of animal control. The property owner shall provide a description of the animal and the name of the owner if known. The department shall dispatch an animal control officer to take possession of the animal. (as added by Ord. #310, July 2005)

10-110. Disposition of large animals. Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or other shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the city or county to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. (as added by Ord. #310, July 2005)

10-111. Impoundment. In addition to any other remedies provided in these regulations, an animal control officer or a law enforcement officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- (a) Any animal at large;
- (b) Any animal constituting a public nuisance or considered a danger to the public;
- (c) Any animal that is in violation of any quarantine or confinement order;
- (d) Any unattended animal that is ill, injured or otherwise in need of care;
- (e) Any animal that is reasonably believed to have been abused or neglected;
- (f) Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer or a law enforcement officer determines that there is a threat to public health and safety;
- (g) Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
- (h) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

(2) An animal control officer or law enforcement officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil monetary penalty of twenty-five (\$25.00) dollars

for the first offense and fifty (\$50.00) dollars for the second offense. The civil monetary penalties may, at the discretion of the animal owner, be paid to the animal control department within ten (10) days in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, the animal control department shall have the right to proceed to collect unpaid civil monetary penalty as provided in the violations and penalties section of these regulations. The third and subsequent offenses shall be prosecuted by misdemeanor citation when appropriate under state law. (as added by Ord. #310, July 2005)

10-112. Quarantine. The animal control department is lawfully empowered to quarantine for a period of ten (10) days from the date of impoundment any animal involved in the bite of a person. Bite being defined as the puncture of the skin of the victim where blood or bodily fluid is transferred from the animal to the victim. The animal would be quarantined at the animal control facility or at a licensed veterinary hospital in the county. Release of the animal would be contingent upon the health exam of a veterinarian indicating that the animal is clear of any clinical signs of the rabies virus. The animal would be required to receive a rabies vaccine or booster after the quarantine period and health check were complete. The owner of the animal will be responsible for all fees and fines incurred during the quarantine period. The owner of the animal has the option to relinquish all rights and release the animal to the animal control department at which time the animal becomes the property of the animal control department. (as added by Ord. #310, July 2005)

10-113. Notice to owner and redemption. (1) Upon impoundment of an animal, the department of animal control shall immediately attempt to notify the owner by telephone or certified mail. Any notice to the owner shall also include the location of the shelter or hospital where the animal is confined, hours during which the animal can be reclaimed, and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

(2) An owner reclaiming an impounded animal shall pay a fee of twenty-five (\$25.00) dollars plus a five (\$5.00) dollar boarding fee for each day the animal has been impounded in addition to any civil monetary penalty owing. The reclaim fee shall be fifty (\$50.00) dollars for animals that have not been spayed or neutered. Rabies fees and county registration fees shall also be collected unless current status can be verified. The daily rate charged for any subsequent impoundment occurring within twelve (12) months shall be double that which was charged for each day of confinement during the first impoundment.

(3) Any animal not wearing a rabies tab and not reclaimed by its owner within seventy two (72) hours shall become the property of the county, department of animal control and shall be placed for adoption in a suitable home

or euthanized in a humane manner. If an animal is wearing a rabies tag, the owner shall be notified by a postcard sent to the owner's last known address to appear within five (5) days and redeem the animal by paying all required fees. (as added by Ord. #310, July 2005)

10-114. Enforcement. Animal control officers or other designees of the county mayor or city mayor shall be the primary enforcement officials for these Regulations. These officials, along with law enforcement officers, shall have the authority to act on behalf of the city in investigating complaints, enforcing the animal vaccination statutes of the State of Tennessee, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of these regulations. It shall be a violation of these regulations to interfere with any animal control officer or other enforcement official in the performance of his duties. (as added by Ord. #310, July 2005)

10-115. Violations and penalties. (1) It shall be a violation of these regulations to:

(a) Fail to comply with any provision of these regulations;

(b) Fail to comply with any lawful order of an animal control officer, or law enforcement officer unless such order is lawfully stayed or reversed; or,

(2) A violation of these regulations shall result in a civil monetary penalty of fifty (\$50.00) dollars per violation for the first offense and fifty (\$50.00) dollars for the second offense with third and subsequent violations to be handled by misdemeanor citation when appropriate under state law.

(3) Each day that one or more violations of these regulations exists or continues to exist shall constitute a separate violation.

(4) If civil monetary penalties remain unpaid more than ten (10) days after notice of violation, the county attorney is authorized to take appropriate action through the general sessions court pursuant to Tennessee Code Annotated, § 5-1-123. (as added by Ord. #310, July 2005)

10-116. Conflicting regulations. All other regulations of Ashland City, Tennessee, that are in conflict with these regulations are hereby repealed to the extent of such conflict. Specifically title 10, chapters 1 and 2 are hereby repealed and replaced in their entirety. Notwithstanding anything in these regulations to the contrary, nothing contained herein shall be construed to prohibit animal control officers or law enforcement officers of Cheatham County, Tennessee, to take action consistent with these regulations or any similar municipal ordinance or state law within the corporate limits of Ashland City, Tennessee, if requested to do so by an appropriate representative of the city. Nor shall anything contained herein be construed as a limitation on the authority of any law enforcement officer to enforce the criminal laws of Tennessee regarding the care, treatment and responsibility for animals. (as added by Ord. #310, July 2005)

CHAPTER 2

[REPEALED]

(as repealed by Ord. #310, July 2005)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a beer permit and license for on premise consumption. (1973 Code, § 10-229)

¹Municipal code references

Animal control: title 10.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-201. 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. (1973 Code, § 10-202)

11-202. Anti-noise regulations. Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

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

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

dwelling, hotel, or other type of residence, or of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the city clerk. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1973 Code, § 10-234)

CHAPTER 3

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-301. Escape from custody or confinement.

11-302. False emergency alarms.

11-303. Resisting or interfering with an officer.

11-304. Coercing people not to work.

11-305. Impersonating a government officer or employee.

11-301. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1973 Code, § 10-209)

11-302. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1973 Code, § 10-217)

11-303. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the town while such officer or employee is performing or attempting to perform his municipal duties. (1973 Code, § 10-210)

11-304. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1973 Code, § 10-231)

11-305. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore no person shall deceitfully impersonate or represent that he is any government officer or employee. (1973 Code, § 10-211)

CHAPTER 4

FIREARMS, WEAPONS AND MISSILES

SECTION

11-401. Discharge of air guns, spring guns, etc.

11-402. Throwing missiles.

11-403. Discharge of firearms.

11-404. Exception.

11-401. Discharge of air guns, spring guns, etc. It shall be unlawful for any person to fire or discharge any air gun or air pistol, spring gun or spring pistol, or any other device or firearm which is calculated or intended to propel or project a bullet, pellet, air or similar projectile, within the city limits, so as to endanger life, limb or property of any other resident of the city. (1973 Code, § 10-213, as replaced by Ord. #149, April 1996)

11-402. Throwing missiles. It shall be unlawful for any person to throw any stone, snowball, bottle, club, brick-bats or any other missile from slings, by hand or otherwise within the city, so as to endanger life, limb, or property of any citizen. (1973 Code, § 10-214, as replaced by Ord. #149, April 1996)

11-403. Discharge of firearms. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. An unauthorized person is defined as a person who does not comply with the Tennessee Wildlife Resource Agency guidelines or does not comply with any state or federal laws pertaining to hunting or the discharging of a firearm. (1973 Code, § 10-212, modified, as replaced by Ord. #149, April 1996)

11-404. Exception. This section shall not apply to the discharge of fireworks for the following days:

June 20, through July 7th from 10:00 A.M. until 10:00 P.M. and December 10th through January 4th from 10:00 A.M. to 10:00 P.M. with the exception of January 1st which shall be until 12:30 A.M. (as added by Ord. #249, May 2002)

CHAPTER 5

MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-501. Malicious mischief.

11-502. Interference with traffic.

11-501. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1973 Code, § 10-225)

11-502. 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 with the free passage of pedestrian or vehicular traffic thereon. (1973 Code, § 10-233)

CHAPTER 6

MISCELLANEOUS

SECTION

11-601. Abandoned refrigerators, etc.

11-602. Caves, wells, cisterns, etc.

11-603. Posting notices, etc.

11-604. Curfew for minors.

11-605. Wearing masks.

11-606. Restrictions on use of walking track.

11-601. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1973 Code, § 10-223)

11-602. 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. (1973 Code, § 10-232)

11-603. 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. (1973 Code, § 10-227)

11-604. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1973 Code, § 10-224)

11-605. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of ten (10) years.

(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the city clerk to wear a traditional holiday costume. (1973 Code, § 10-230)

11-606. Restrictions on use of walking track. There shall be no skateboards, roller skates, tricycles, bicycles, unicycles, motorcycles, ATV three wheelers, four wheelers, mopeds, or any type of motorized vehicles used on the city's walking track.

If a person is found in violation of this section the fine shall be fifty dollars (\$50.00) and up to one hundred (100) hours of community service. (Ord. #65, June 1989)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. STANDARD CODES ADOPTED.
2. AUTOMATIC SPRINKLER SYSTEMS.
3. STANDARD SPECIFICATIONS AND INSTALLATION GUIDELINES FOR CONSTRUCTION OF INFRASTRUCTURE.

CHAPTER 1

STANDARD CODES ADOPTED¹

SECTION

- 12-101. Standard codes adopted.
- 12-102. Conflicting ordinances repealed.
- 12-103. Responsible official.
- 12-104. Modifications.
- 12-105. Available in city clerk's office.
- 12-106. Violations.

12-101. Standard codes adopted. It is the desire of the Town of Ashland City to adopt, in all respects, the various standard codes relating to building, fire prevention, gas, housing, mechanical, plumbing and swimming pools and the adoption of these codes is done to facilitate proper inspection activities by Ashland City relating to construction and to maintenance of buildings within said Ashland City and relating to public safety, health and general welfare.

The following codes are hereby adopted by reference as though they were copied herein fully:

- 2009 International Building Code
- 2009 International Residential Code adding appendix G & J
- 2009 International Fuel Gas Code
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Property Maintenance Code

¹Municipal code references:

- Fire code: title 7.
- 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.
- Steep slope ordinance: title 14

2009 International Fire Code
2009 International Existing Building Code
Accessibility Code ICC/ A117.1 - 2003
(1973 Code, § 4-101, as replaced by Ord. #172, June 1997, Ord. #188, Sept. 1998, Ord. #289, Jan. 2005, Ord. #397, Sept. 2012, and Ord. #431, Aug. 2015)

12-102. Conflicting ordinances repealed. Any matters in said codes which are contrary to existing ordinances of the town shall prevail and that ordinance no. 172 is hereby repealed and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #172, June 1997, as replaced by Ord. #188, Sept. 1998, modified)

12-103. Responsible official. Within said codes, when reference is made to the duties of a certain official named therein, that designated official of the Town of Ashland City, who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. #172, June 1997, as replaced by Ord. #188, Sept. 1998, modified)

12-104. Modifications. (1) The amount of the building permit fees¹ for all residential (i.e., one- and two-family dwellings) construction is hereby amended to be fifty (\$0.50) cents per square foot of all space included in the proposed construction except for non-covered areas, subject to a fifty dollar (\$50.00) minimum fee.

(2) That the schedule of building permit fees for non-residential construction is hereby amended as follows:

(a) There shall be a base fee of fifty dollars (\$50.00) for all applications regardless of the related construction.

(b) In addition to the base rate, there shall be a charge based on the projected building cost determined by reference to Appendix "B" of the Southern Building Code Congress International, Inc. Standard Building Code 1997 edition, and to the most current "Building Valuation Data" furnished by the said Southern Building Code Congress International, Inc., as such is amended from time to time.

(3) The fees for building permits that are issued for remodelling of existing structures shall be one-half (1/2) of the fee for equivalent new construction, subject to a fifty dollar (\$50.00) minimum fee.

(4) That all other fees charged by the office of the Ashland City Building Commissioner not specifically amended by this chapter are unaffected by its adoption. (1973 Code, § 4-102, as replaced by Ord. #114, Oct. 1994; Ord.

¹Building permit fees were reduced by Ord. #399 (Feb. 2013). These new fee amounts are available in the recorder's office.

#172, July 1997; and Ord. #188, Sept. 1998, modified, and amended by Ord. #321, Aug. 2006)

12-105. Available in city clerk's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-103, modified)

12-106. 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. (1973 Code, § 4-104)

CHAPTER 2

AUTOMATIC SPRINKLER SYSTEMS

SECTION

- 12-201. New building construction.
- 12-202. Building additions and requirements of other codes.
- 12-203. Definitions.
- 12-204. Additional requirements of sprinkler systems.
- 12-205. Maintenance or system required.
- 12-206. Fire inspection.
- 12-207. Enforcement.
- 12-208 Authority and purpose.

12-201. New building construction. An approved automatic sprinkler system shall be installed in all areas of all new buildings according to the applicable code of NFPA 13, 13R, or 13D. For the purpose of this chapter, the term "building" shall mean any structure (excluding any barn or stable used exclusively for agricultural purposes) having a roof supported by columns or walls and intended for the shelter, storage, housing use, or enclosure of persons, animals or property. The term "building" shall also include any garage, out building or other accessory building used for any commercial or industrial purposes.

Exceptions:

- (1) Existing lots in existing subdivisions (single family detached dwelling only) that have been approved before passage of the ordinance comprising this chapter.
- (2) Any detached accessory structure containing no life hazards upon review and written justification and approval by the fire chief and building official.
- (3) Open bay car wash.

NOTE: Exception (1) shall cease to apply on July 1, 2005. (as added by Ord. #242, Nov. 2001 and replaced by Ord. #295, Dec. 2004)

12-202. Building additions and requirements of other codes. An approved automatic sprinkler system shall also be installed in any of the following circumstances:

- (1) When a building is, altered or renovated, an approved automatic sprinkler system must be installed in the, altered or renovated portion if, as a result of the, alteration or renovations, the building as a whole ill meet any of the criteria listed in § 12-201. Exceptions: single family dwelling, business occupancy, factory-industrial occupancy, mercantile occupancy that do not have preexisting automatic sprinkler systems. When the area and/or volume of such, altered or renovated portion, together with the area and/or volume of any other,

alterations or renovations occurring since the effective date of the ordinance comprising this chapter, exceeds twenty five percent (25%) of the area and/or volume of the building existing on the effective date of the ordinance comprising this chapter, then an approved automatic sprinkler system must be installed in the entire building.

(2) When a building is enlarged, an approved automatic sprinkler system must be installed in the enlarged portion if, as a result of the enlargement, the building as a whole will meet any of the criteria listed in § 12-201. When the area and/or volume of such enlarged portion, together with the area and/or volume of any other enlargements since the effective date of the ordinance comprising this chapter, exceeds twenty five percent (25%) of the area and/or volume of the building existing on the effective date of the ordinance comprising this chapter, then an approved automatic sprinkler system must be installed in the entire building. Exception: single family dwelling.

(3) When an existing building containing two (2) or more units of occupancy is enlarged, altered or renovated and the enlarged, altered or renovated portion, together with the area and/or volume of any other enlargements, alterations or renovations occurring since the effective date of the ordinance comprising this chapter, does not exceed twenty five percent (25%) of the area and/or volume of the building existing on the effective date of the ordinance comprising this chapter, then an approved automatic sprinkler system is not required for existing buildings. When the area and/or volume of such enlarged, altered or renovated portion, together with the area and/or volume of any other enlargements, alterations or renovations occurring since the effective date of the ordinance comprising this chapter, exceeds twenty five percent (25%) of the area and/or volume of the building existing on the effective date of this chapter, then an approved automatic sprinkler system must be installed in the entire building.

(4) When a new dwelling or lodging unit is created in or added to an existing building, an approved automatic sprinkler system must be installed in the entire building if, as a result of the creation of the new unit, the building as a whole will meet the criteria of § 12-201 or § 12-202 (1) or (2).

(5) When any other applicable ordinance, code, regulation, rule of statute so requires, an approved automatic sprinkler system must be installed accordingly.

(6) When an automatic sprinkler system is installed in a single family dwelling or duplex it must comply with NFPA 13D. If the contractor/owner chooses to partially sprinkler a single family dwelling or duplex the attic space shall not be used for storage at any time. Any attached garage, or basement shall also be fully protected by an approved automatic sprinkler system. (as added by Ord. #295, Dec. 2004)

12-203. Definitions. (1) "An approved automatic sprinkler system" means a system installed in accordance with National Fire Protection Association Standards or a system approved by the state fire marshal's office.

(2) "Approved supervisory alarm system" means it must be connected to an UL listed and approved central station facility meeting the requirements of NFPA 72.

(3) "Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing, use or enclosure of persons, animals or property. For purposes of determining when an approved automatic sprinkler system is required by this chapter, portions of buildings separated from other portions by a fire wall shall not be considered separate buildings.

(4) "Unit of occupancy" means any interior space with defined boundaries described in a deed, lease, license or agreement in which a discreet business, commercial, office, service, professional, institutional or industrial activity is conducted and which is separated from any other business, commercial, office, service, professional, institutional or industrial activity by interior or exterior walls. (as added by Ord. #295, Dec. 2004)

12-204. Additional requirements of sprinkler systems. (1) Any building having more than one (1) sprinkler riser shall have the risers separately zoned and wired to a local energy alarm panel to provide zone identification upon activation. The energy alarm panel shall be located as near as possible to the main exit door. There shall also be a building map located at the energy alarm panel showing each zone of the building.

(2) An approved automatic sprinkler system shall be equipped with an approved supervisory alarm system which will transmit to an approved receiver. The determination of what systems and receivers are "approved" shall be made by the Fire Chief for Ashland City. Exception: single family dwelling.

(3) Where a system may be disabled by closing of valves, interruption of power, etc., adequate supervision shall be provided to sound at least a local alarm when the system is deactivated, and a trouble signal to the central station facility. Exception: single family dwelling.

(4) Automatic sprinkler flow alarms shall be zoned to indicate a water flow and not a general fire alarm to the central station.

(5) Where building fire alarm facilities are provided, actuation of the extinguishing system shall also cause the building alarm to sound in accordance with NFPA 72.

(6) Where building fire alarm facilities are not provided, actuation of the extinguishing system shall require at least one (1) building alarm to sound within the facility. Alarms shall be installed in accordance with NFPA 72.

(7) Where building fire alarm facilities are not provided in one- or two-family dwellings, all control valves must have a locking device that is approved by the Fire Chief for Ashland City. Actuation of the extinguishing system shall

require at least one (1) building alarm to sound within the facility. Alarms shall be installed in accordance with NFPA 72.

(8) Any building that is required to be equipped with a fire department connection shall be located on the front street side of the facility. Special circumstances that would prevent this shall be reviewed and altered only by the fire chief or his designee on a case by case basis. All fire department connections shall be within one hundred (100) ft. of a fire hydrant. Exception: Buildings below five thousand (5,000) sq. ft. must be within four hundred (400) ft. Exception: High hazard buildings must have FDC within one hundred (100) ft. of hydrant.

(9) An approved automatic sprinkler system shall include an evacuation alarm which will sound and be audible throughout the entire building when the sprinkler system is activated. An internal fire alarm system may be utilized to meet this requirement, provided it is interconnected to activation of the sprinkler system.

(10) A lock box shall be provided outside the main entrance to any buildings regulated hereunder, excluding one- and two-family dwellings and manufactured homes, containing a key to allow access to all fire department areas, except duplexes and multi-family dwellings which shall only provide access to fire department control valves. The lock box shall be a standard brand and shall be approved by the Fire Chief for Ashland City. The lock box shall be installed on all new construction and shall be installed in existing buildings having monitored systems. Each lock box installation location shall be approved by the Fire Chief for Ashland City. Lock boxes on existing systems shall be installed within one hundred eighty (180) days of the adoption of the ordinance comprising this chapter.

(11) A locking FDC (fire department connection) cap shall be provided on all sprinkler systems equipped with a FDC. The cap shall be a standard brand and shall be approved by the Fire Chief for Ashland City. The caps shall be installed on all new construction and shall be installed on existing FDC within one hundred eighty (180) days of the adoption of the ordinance comprising this chapter.

(12) Plans for an approved automatic sprinkler system shall be certified engineered plans and shall be subject to a plan's review fee of two hundred fifty dollars (\$250.00) or any other costs incurred by Ashland City for third party review. (as added by Ord. #295, Dec. 2004)

12-205. Maintenance of system required. Occupied or unoccupied buildings or portions thereof having a sprinkler system in place, whether or not such system is required by this chapter, shall maintain all sprinklers and standpipe systems and all component parts in workable condition at all times, and it shall be unlawful for any owner or occupant or agent of either to reduce the effectiveness of the protection those systems provide. This section does not prevent the owner or occupant of a building from temporarily reducing or

discontinuing the protection when necessary in order to conduct testing, repairs, alterations or additions to the system, provided that the testing, repairs, alterations or additions are done in such a way to avoid the creation of a safety hazard, and provided that the fire department has been notified that the work will be done, informed of the time the system will be shut down and then notified when the system is put back on line. Exceptions: Single family dwellings. (as added by Ord. #295, Dec. 2004)

12-206. Fire inspection. The Fire Chief for Ashland City or his designee shall provide an initial inspection of the automatic fire suppression system or automatic sprinkler system for structures meeting the criteria for this chapter. This inspection shall not guarantee proper installation of said system, but will insure that the system exists. This inspection shall also afford the property owner a safety inspection of the facility to provide proactive planning for fire prevention.

Further, all automatic sprinkler systems and appurtenances shall be installed, tested, inspected, and maintained in accordance with National Fire Protection Association (NFPA) Standards and the International Code Council (ICC).

Any building containing an approved automatic sprinkler system excluding NFPA 13D systems (one- and two-family dwellings and manufactured homes) shall be tested annually by a qualified sprinkler technician. A written copy of the yearly test report shall be forwarded to the fire chief's office. (as added by Ord. #295, Dec. 2004)

12-207. Enforcement. Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of the ordinance comprising this chapter shall be guilty of a civil offense and shall be fined not in excess of fifty dollars (\$50.00) for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

When any violation of any provision of this chapter shall be found to exist, the Fire Chief for Ashland City, or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of the ordinance comprising this chapter in the name of the city, including but not limited to the issuance of a "stop work" order to aid in the enforcement any of the provisions of this chapter. (as added by Ord. #295, Dec. 2004)

12-208. Authority and purpose. The ordinance comprising this chapter is adopted pursuant to the Charter of Ashland City, Tennessee, and all applicable laws of the State of Tennessee. (as added by Ord. #295, Dec. 2004)

CHAPTER 3

STANDARD SPECIFICATIONS AND INSTALLATION GUIDELINES
FOR CONSTRUCTION OF INFRASTRUCTURE

SECTION

12-301. Standard specifications and installation guidelines for construction of infrastructure.

12-301. Standard specifications and installation guidelines for construction of infrastructure. The Ashland City "Standard Specifications and Installation Guidelines for Construction of Infrastructure," was adopted by Ordinance #302, May 2005.¹ (as added by Ord. #302, May 2005)

¹Ordinance #302, May 2005, and any amendments thereto, are of record in the office of the city clerk.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
 13-102. Smoke, soot, cinders, etc.
 13-103. Stagnant water.
 13-104. Overgrown and dirty lots.
 13-105. Weeds.
 13-106. Dead animals.
 13-107. Health and sanitation nuisances.
 13-108. Stream pollution.
 13-109. Food service sanitation ordinance adopted by reference.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the mayor shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1973 Code, § 8-801)

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. (1973 Code, § 8-805)

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

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

property without treating it so as to effectively prevent the breeding of mosquitoes. (1973 Code, § 8-806)

13-104. Overgrown and dirty lots.¹ (1) Nuisance declared. It is declared to be a nuisance for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, refuse, rubbish, abandoned or derelict automobiles, or other vehicles, junk, discarded equipment, furniture or materials, grass, bushes or leaves, and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, welfare of other citizens or to encourage the infestation of rats and other harmful animals. Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property in the following manner:

(2) Designation of public officer or department. The city council 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 city council 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 maintaining a nuisance in violation of § 13-104 of the Ashland City Municipal Code 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

¹Municipal code reference

Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

This title, chapter 2.

(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 city council 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 cost thereof shall be assessed against the owner of the property. The costs shall be a lien on the property in favor of the town and shall be paid by the property owner as a special assessment or tax which shall be placed on the tax rolls of the town shall be collected in the same manner as property taxes are collected.

(5) 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 city council. The appeal shall be filed with the city clerk 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.

(6) Judicial review. Any person aggrieved by an order or act of the public officer or of the city council under this section 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.

(7) 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 town 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. (Ord. #78, July 1991)

13-105. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city clerk or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1973 Code, § 8-807)

13-106. 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. (1973 Code, § 8-808)

13-107. 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. (1973 Code, § 8-809)

13-108. Stream pollution. The placing, or permitting to be placed, in any creek, branch, or natural water course within the corporate limits of Ashland City, Tennessee, by any person or persons, of any trash, refuse, garbage, cans, bottles, sticks, tree limbs, timbers of any kind, or any other articles or materials, except as hereinafter specifically noted and set forth, is hereby prohibited and declared to be unlawful and a misdemeanor.

The only exceptions to the foregoing provisions of this section shall be as follows: It shall be permissible to erect or construct suitable and proper water gates, sewerage pipe lines, culverts of sufficient size to carry the water in such creeks, branches and natural water courses, subject to the approval of the mayor. (1973 Code, § 8-804)

13-109. Food service sanitation ordinance adopted by reference. (1) The definitions; the inspection of food-service establishments; the issuance, suspension, and revocation of permits to operate food-service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of food service sanitation regulations shall be regulated in accordance with the unabridged form of the 1962 edition of the United States Public Health Service Food Service Sanitation Ordinance and Code,¹ three copies of which are on file in the office of the city clerk; provided, that the words "municipality of _____" if in said unabridged form shall be understood to refer to the Town of Ashland City, Tennessee; provided further, that in said ordinance all parenthetical phrases referring to grading and subsection H. 2. e. shall be understood to be deleted; and provided further, that subsections H. 7. and H. 8. shall be replaced respectively by subsections (2) and (3) below.

(2) Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00). In addition thereto, such

¹This ordinance and the code are contained in Public Health Service Publication No. 934 which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402. Price 55 cents.

persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

(3) This ordinance shall be in full force and effect from and after its adoption as provided by law and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. (1973 Code, § 8-813)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials, other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of order.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Unsafe building code.
- 13-215. Violations.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

13-202. Definitions. (1) "Municipality" shall mean the Town of Ashland City, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(2) "Governing body" shall mean the city council charged with governing the town.

(3) "Public officer" shall mean the mayor or the person appointed and designated by the mayor to administer and enforce the provisions 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 town or

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

state relating to health, fire, building regulations, or other activities concerning structures in the town.

(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 others who have interests of record in a dwelling and any who are in possession thereof.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (Ord. #77, July 1991, modified)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the mayor of the town, or the person appointed and designated by the mayor, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the mayor. (Ord. #77, July 1991, modified)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer.

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (1) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or

use; or (2) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful."

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

13-208. 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, upon the filing of the notice with the office of the register of deeds of Cheatham County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Cheatham County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Ashland City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are

dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Ashland City; 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.

13-210. 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 town. In addition, a copy of such complaint or order shall be posted 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 Cheatham County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-211. 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.

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

13-214. Unsafe building code. This chapter may also be referred to as the Unsafe Building Code. (Ord. #77, July 1991)

13-215. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of this chapter. (Ord. #77, July 1991, modified)

CHAPTER 3

JUNKYARDS

SECTION

13-301. Junkyards.

13-301. 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. (1973 Code, § 8-811)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 4

ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

SECTION

13-401. Definitions.

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance.

13-403. Notice to remove.

13-404. Responsibility for removal.

13-405. Notice procedure.

13-406. Content of notice.

13-407. Request for hearing.

13-408. Procedure for hearing.

13-409. Removal of motor vehicle from property.

13-410. Notice of removal.

13-411. Disposition of vehicles.

13-412. Storage of vehicles.

13-413. Redemption of impounded vehicles.

13-414. Penalty.

13-401. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

(1) “Town” is the Town of Ashland City, Tennessee.

(2) “City administrator” is the city administrator of the Town of Ashland City, Tennessee.

(3) “Motor Vehicle” is any vehicle, which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, riding lawn mowers, go-carts, golf carts, campers and trailers.

(4) “Junked motor vehicle” is any motor vehicle, as defined by § 13-401(3), which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, or constitutes a public nuisance and/or affecting the health and safety of the community as a whole.

(5) “Person” shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(6) “Private property” shall mean any real property within the city, which is privately owned and which is not public property as defined in the section.

(7) “Public Property” shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

(8) Failure to have lawfully affixed thereto an unexpired license plate as required in the State of Tennessee shall constitute a rebuttable presumption of a junked motor vehicle and be determined by the city judge in the event of a hearing. (as added by Ord. #229, May 2001)

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance. No person shall park, store, leave, or permit the parking storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition, whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or public partially dismantled vehicle, or parts thereof, on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this chapter. This section not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in appropriate business zone, pursuant to the zoning laws of the city. (as added by Ord. #229, May 2001)

13-403. Notice to remove. Whenever it comes to the attention of the city administrator or designee, upon complaint made to the city or upon the carrying out of the function of the office of city administrator, designee or departments of government thereunder, that any nuisance, as defined in § 13-401, exists in the Town of Ashland City, Tennessee a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is not such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (as added by Ord. #229, May 2001)

13-404. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where the same is located, shall be liable for the expenses incurred. (as added by Ord. #229, May 2001)

13-405. Notice procedure. The city administrator or designee shall give notice of removal to the owner or occupant of the private property where it is

located at least thirty (30) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by certified mail to the owner or occupant of the private property at his last known address, return receipt requested. (as added by Ord. #229, May 2001)

13-406. Content of notice. The notice shall contain the request for removal and/or abatement of the violation hereof within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (as added by Ord. #229, May 2001)

13-407. Request for hearing. The person or persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the city judge of the Town of Ashland City or its designee within the thirty (30) day period of compliance prescribed in § 13-405, for the purpose of defending the charges by the city. (as added by Ord. #229, May 2001)

13-408. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request and the person(s) to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing, the city and the person(s) to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (as added by Ord. #229, May 2001)

13-409. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had and if the existence of the violation is affirmed by the judge of the Town of Ashland City from its designee, the city administrator or designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter and in no manner shall be deemed to be a trespass or unauthorized entry upon land. (as added by Ord. #229, May 2001)

13-410. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the city administrator shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, have been impounded and stored for violation of this chapter. This notice shall

give the location of where the vehicle, or vehicles, is stored and the costs incurred by the city for removal, including court costs for hearing, if any. (as added by Ord. #229, May 2001)

13-411. Disposition of vehicles. Upon removing a vehicle, the city administrator or designee shall sell the abandoned motor vehicle at a public auction not earlier than ten (10) days after its removal. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear from the city administrator or designee and, upon presentation of such sales receipt, shall be entitled to receive certificate of title from the Department of Revenue of the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle and all notice and publication costs, together with any other costs associated with the process. Any remainder from proceeds of a sale shall be held for the owner of the vehicle or any entitled lien holder for a period of sixty (60) days and, if not claimed, shall be deposited in the general fund of the city. Should the sale of any vehicle for any reason be invalid, the city's liability shall be to the return of the purchase price. (as added by Ord. #229, May 2001)

13-412. Storage of vehicles. The city, through its agents, employees, and servants, may utilize municipal property for the storage of impounded vehicles, and in such event shall be entitled to storage costs not to exceed ten dollars (\$10.00) per day for enforcement as set forth herein. (as added by Ord. #229, May 2001)

13-413. Redemption of impounded vehicle. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the Town of Ashland City of any and all expenses incurred by the Town of Ashland City in connection with the enforcement of this chapter as determined by the city administrator or designee, as set forth herein. (as added by Ord. #229, May 2001)

13-414. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than fifty dollars (\$50.00), or up to the maximum amount which the Legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. Each act in violation of any of the provisions hereof shall be deemed a separate offense and each day such violation continues shall constitute a separate offense. Failure to pay any unpaid costs incidental to the enforcement of this chapter shall be filed as a lien in the office of the Register of Deeds in Cheatham County, Tennessee. (as added by Ord. #229, May 2001)

TITLE 14

ZONING AND LAND USE CONTROL¹

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. ENGINEERING REVIEW ETC., SITE INSPECTION CHARGES.
4. UNDERGROUND UTILITY FACILITIES.
5. DESIGN REVIEW MANUAL.
6. STEEP SLOPE ORDINANCE.
7. ASHLAND CITY GRADING ORDINANCE.
8. FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and a councilman selected by the city council; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall be compensated fifty dollars (\$50.00) per meeting. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the councilman selected by the city council shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1973 Code, § 11-101, as amended by Ord. #307, July 2005)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1973 Code, § 11-102)

¹Municipal code reference:
Signs: Title 20, chapter 1.

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-202. Compensation of planning commission land use committee.

14-203. Compensation of flood review board.

14-204. Compensation of the port authority.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Ashland City shall be governed by the Ashland City, Tennessee Zoning Ordinance, adopted December 21, 1971, and any amendments thereto.¹

14-202. Compensation of planning commission land use committee. All members of the planning commission land use committee shall be compensated sixty-two dollars and fifty cents (\$62.50) per meeting. (as added by Ord. ##350, Nov. 2008, and amended by Ord. #408, Aug. 2013, and Ord. #410, Aug. 2013)

14-203. Compensation of flood review board. All members of the Ashland City Flood Review Board shall be compensated sixty-two dollars and fifty cents (\$62.50) per meeting. (as added by Ord. #375, Nov. 2010, and amended by Ord. #411, Aug. 2013)

14-204. Compensation of the port authority. All members of the Ashland City Port Authority appointed by the Mayor of Ashland City shall be compensated sixty-two dollars and fifty cents (\$62.50) per meeting. This is contingent upon Cheatham County paying the members of the Ashland City Port Authority that are appointed by the county mayor. (as added by Ord. #435, Oct. 2015)

¹The Ashland City Zoning Ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the city clerk.

CHAPTER 3

ENGINEERING REVIEW ETC., SITE INSPECTION CHARGES

SECTION

14-301. Charges/fees to be reimbursed.

14-301. Charges/fees to be reimbursed. (1) All ordinances in conflict herewith are here and now repealed.

(2) All owners, developers and applicants, individually or by their authorized agents, employees or servants, seeking municipal approval for any proposed development/improvement of land by: subdivision, planned unit development, site plan, special exceptions approved by the board of zoning appeals, use changes, landscape plans, sketch plats, preliminary plats, final plats, construction plans, grading plans, roadway plans, drainage plans, wastewater facility plans, matters requiring the establishment of performance bonding, dedication of easements and facility/structures associated with any of the foregoing, shall be responsible for the reimbursement to the Town of Ashland City for all actual engineering review, engineering oversight, and project site inspection charges/fees for services incurred by said town by virtue of, and as related to the foregoing, by the town's designated consulting engineer and/or his appointed designee.

(3) All actual charges to be reimbursed to the municipality shall be paid within fifteen (15) days from the date of billing by the municipality. In the event said reimbursement charges are not paid timely, any permit issued by the building inspector shall become void or default shall be declared upon any performance bonding posted with the Town of Ashland City.

(4) This chapter is not deemed to be a tax, but is to offset actual incurred engineering expense of the municipality for an owner, developer, and applicant seeking development of lands within the municipality. (Ord. #165, Feb. 1997)

CHAPTER 4

UNDERGROUND UTILITY FACILITIES

SECTION

14-401. Required.

14-402. Not applicable to existing facilities or plans.

14-401. Required. From and after the effective date of this chapter,¹ any plans requiring the approval of the Ashland City Planning Commission for new structures or buildings to the city shall not be approved by the planning commission unless such plan or plans provide that all new utility facilities for electrical, gas, telephone, water, and other similar services, shall be placed underground. (Ord. #205, Sept. 1999)

14-402. Not applicable to existing facilities or plans. This chapter shall not apply to said utility facilities above ground existing within any subdivision heretofore poatted or on which plans have heretofore been approved by the planning commission, or which existed prior to the effective date of this chapter.¹

¹These provisions were taken from Ordinance No. 205 which passed 2nd reading September 14, 1999.

CHAPTER 5

DESIGN REVIEW MANUAL

SECTION

14-501. Design review manual.

14-501. Design review manual. The "Ashland City Design Review Manual, March 4, 2003" was adopted by Ordinance #273, May 2003.¹

¹Ordinance #273, May 2003, and any amendments thereto, are of record in the office of the city clerk.

CHAPTER 6

STEEP SLOPE ORDINANCE¹

SECTION

- 14-601. Purpose.
- 14-602. Applicability.
- 14-603. Requirements.
- 14-604. Site plan requirements.
- 14-605. Performance standards.
- 14-606. Exemptions.
- 14-607. Review guidelines and approval procedures.
- 14-608. Compatibility with other permit and ordinance requirements.

14-601. Purpose. The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land. (as added by Ord. #283, March 2004)

14-602. Applicability. This ordinance shall be applicable to any major subdivision or site plan application as defined in the municipal land use law or any project as defined by the Stormwater Pollution Prevention Act located within the municipality. The provisions of this ordinance shall also apply to any land disturbance. Land disturbance for the purpose of this ordinance shall mean any activity involving the clearing, cutting, blasting, excavation, grading, filling, storing, transporting of land or any other activity which causes land to be exposed to the danger of erosion. (as added by Ord. #283, March 2004)

14-603. Requirements. (1) Site design and grading on slopes of ten percent (10%) or greater shall meet all requirements as outlined in § 14-604 of this ordinance. If special consideration is needed, the requirements of § 14-607 of this ordinance will apply in approving the proposed plans.

(2) Site design and grading on all slopes greater than ten percent (10%) shall provide the minimum disruption of view corridors and scenic vistas and shall preserve significant natural topographic features to the greatest extent possible. (as added by Ord. #283, March 2004)

14-604. Site plan requirements. (1) For all earth moving activities on all slopes of ten percent (10%) or greater, the applicant shall submit a site plan prepared by a professional engineer which includes at a minimum the following:

¹Municipal code reference:

Standard codes adopted: Title 12, chapter 1.

(a) Slopes in classes of 0-10%, 10-25% and greater than 25% based on two foot (2') contours analyzed at ten foot (10') intervals.

(b) Location of all water bodies including but not limited to streams, lakes and wetlands.

(c) Existing natural and topographic features.

(d) Location of all proposed and existing buildings and streets.

(e) Location of all existing vegetation including meadow, forest, and scrub lands broken down by those areas of vegetation which will be removed as well as vegetation to be preserved; specifications for re-vegetation shall also be included.

(f) Specific methods which will be utilized to control soil erosion and sedimentation, soil loss and excessive stormwater runoff both during and after construction.

(g) A statement and description of the stability of the soils on-site and the appropriateness of the construction method proposed.

(h) Hydrology, drainage and flooding analysis to include a statement on the affect of the proposed development upon water bodies or wetlands in the vicinity of the project

(i) A statement describing the underlying geology attesting to the stability of the site.

(j) Calculations of the area of proposed disturbance of each slope class on each proposed lot as well as within any proposed road right-of-way.

(k) Grading plan for the construction site and all access routes.

(2) The site plan submitted shall be reviewed by the municipal engineer. The municipal engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

(3) No grading permit shall be issued and no grading or site clearing shall occur until a site plan including all of the above items has been reviewed and approved by the municipality. (as added by Ord. #283, March 2004)

14-605. Performance standards. All development proposals which propose development on steep slopes shall conform to the following performance standards:

(1) Plans for construction on all slopes of ten percent (10%) or greater must be approved by the planning commission before a grading permit is issued and shall demonstrate slope stability and erosion control before any occupancy permits are issued by the municipality.

(2) Should the applicant wish to preserve land with steep slopes, the applicant may offer the land for dedication to the municipality or may form a private land trust or a non-profit agency in order to preserve and maintain the these areas in their natural state.

(3) The use of conservation easements on steep slopes may also be offered to reserve these areas in perpetuity. (as added by Ord. #283, March 2004)

14-606. Exemptions. Land development plans which were approved prior to the adoption, date of this ordinance shall be exempt from these requirements. (as added by Ord. #283, March 2004)

16-607. Review guidelines and approval procedures. (1) The planning commission may approve development within steep slope areas if the planning commission finds that:

(a) The proposed construction is appropriate for the requested location.

(b) The proposed construction will have no significant impact on the steep slope area.

(c) The proposed construction is of relatively low value, except for items related to vehicular bridges.

(2) The board of zoning appeals may consider variations from the requirements of this section. In considering such variations, the following guidelines shall be considered:

(a) Construction in the steep slope area is accompanied by adequate toe of slope improvements.

(b) Approval could be recommended if slope improvements effectively increase the stable slope angle.

(c) The entire slope shows no indication of instability.

(3) Variation from any restriction could be recommended if the requested construction is less nonconforming than the existing condition and the slope does not show any sign of instability; or if the applicant submits evidence based on current geotechnical engineering practices such as the simplified bishop method of stability analysis whereby variables of soil shear strength, ground water level, unit weight of soil and slope angles are considered which result in the determination that the particular slope is stable at an angle greater than twenty five (25) degrees. (as added by Ord. #283, March 2004)

14-608. Compatibility with other permit and ordinance requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by other applicable codes, rules, acts or ordinances. In their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, general welfare and the protection of water quality. (as added by Ord. #283, March 2004)

CHAPTER 7

ASHLAND CITY GRADING ORDINANCE

SECTION

- 14-701. Establishment and purpose.
- 14-702. Definitions.
- 14-703. Scope.
- 14-704. Application.
- 14-705. Duration of permit.
- 14-706. Denial of permit.
- 14-707. Inspection of work.
- 14-708. Surety for permitted work in public rights-of way, etc.
- 14-709. Permit fees.
- 14-710. Maintenance.
- 14-711. Violations and penalties.

14-701. Establishment and purpose. There are established for the City of Ashland City, Tennessee, the following regulations and requirements for permitting of grading operations:

(1) This chapter shall be known and may be cited as "the Ashland City Grading Ordinance."

(2) The purpose of this chapter is to provide minimum standards to safeguard persons, to protect property, and to promote the public welfare by regulating and controlling the design, construction, quality of materials, use, location, and maintenance of grading, excavation, and fill without infringing on the rights of property owners to accomplish minor "yard improvement" measures. (as added by Ord. #315, March 2006)

14-702. Definitions. Wherever used in this chapter, the following words shall have the meaning indicated:

(1) "Building permit" shall mean a permit issued by the building official pursuant to the provisions of the zoning ordinance of Ashland City, Tennessee, for the construction, correction, or alteration of a structure or building.

(2) "Excavation" shall mean any act by which topsoil, earth, and gravel, rock, or any similar material is cut into, dug, marred, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting from such considerations.

(3) "Fill" shall mean any act by which topsoil, earth, sand, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and shall include the conditions resulting from such considerations.

(4) "Existing grade" shall mean the elevation of the existing ground surface at the location of any proposed excavation or fill.

(5) "Grading" shall mean excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

(6) "Grading permit" shall mean any permit required under this chapter.

(7) "Person" shall mean an individual but can also include a partnership, corporation, or any other legally recognized entity.

(8) "Site" shall mean a lot, tract, or parcel of land, or a series of lots, tracts, or parcels of land, joined together, where grading work is continuous and performed at the same or different times.

(9) "Topsoil" is that upper portion or layer of naturally occurring terrain (2"-10") that is composed of mostly organic matter and has the ability to support vegetation.

(10) "Stripping" shall mean the removal, by mechanical means, of the topsoil layer of a proposed excavation. (as added by Ord. #315, March 2006)

14-703. Scope. New grading, excavations, and fills, or changes, additions, repairs, or alterations made to existing excavations and fills shall conform to the provisions of this chapter, except that this chapter shall not apply to:

(1) Commercial operations involved in mining, quarrying, excavating, processing, or stockpiling of rock, sand, aggregate, or clay unless such work affects the support of adjacent or contiguous property or structures; and provided such operations are duly permitted by the proper state agencies having jurisdiction over such matters.

(2) Residential landscaping, top dressing and cosmetic works by private individuals or firms contracted by private individuals.

(3) Construction which is the implementation of plans for development(s) duly reviewed and approved by the Ashland City Planning Commission.

(4) Grading or excavation pursuant to a permit for excavation in public streets for which inspection is provided by the city.

(5) Grading in connection with a public improvement or public work for which inspection is provided by the city.

(6) Grading or excavation by a public utility company in private easements or public rights-of-way for which inspection is provided by the city.

(7) An excavation below finished grade for basements and footings of a building, swimming pool, or underground structure authorized by a valid building permit where the cost of such excavation is included in the building permit valuations. This exception shall not affect the applicability of this chapter to, nor the requirement of a grading permit for, any fill made with the material from such excavation.

(8) Farming or other accepted agricultural uses, as identified in the Tennessee Right to Farm Act (Tennessee Code Annotated, § 43-26-103).

(9) The construction of a single residence or addition to an existing single family residence.

Permits will be required for any other grading operation not noted above and covered in one or more of the following situations:

(1) Topsoil stripping or sod removal having a single or combined area coverage on one site of two thousand five hundred (2,500) square feet (equivalent fifty (50') square).

(2) Excavation or placement of fill material having a volume of one hundred (100) cubic yards or more on one site.

(3) Areas of excavation or fill having a coverage of one thousand (1,000) square feet and a maximum cut or fill depth, at any point, of three (3) feet or more on one site.

(4) An excavation from existing grade three (3) feet or more below a two (horizontal) to one (vertical) descending slope from any property line, or a fill on existing grade three feet or more above a two (horizontal) to one (vertical) ascending slope from any property line.

(5) A grading operation in preparation for a paving project that will be used for any other purpose than a residential driveway and/or parking area.

(6) An excavation or fill within a public sewer, water main, storm drain, or power line easement.

(7) An excavation or fill which will encroach on or alter a natural drainage channel or water course.

No person shall construct, reconstruct, alter, repair or install any structure in any natural water course without a permit from the building official.

A separate permit shall be required for each separate non-contiguous site. One (1) permit may cover both an excavation and a fill on the same site made with excavated materials. (as added by Ord. #315, March 2006)

14-704. Application. The permit application shall include but not necessarily be limited to the following:

(1) Basic information:

(a) The purpose of the work and a statement as to whether the purpose of the grading is for private or commercial reasons;

(b) The nature and amount of material proposed to be excavated and the amount of fill in cubic yards;

(c) The street address at the point of access to the property where the work is to be performed;

(d) The name and address of the owner of the property on which the work is to be performed;

(e) A description of the equipment and methods to be used in performing the work;

(f) The name of the firm that will haul excavated material to or from the property where the work is to be performed;

- (g) The name, address and phone number of the person to have effective control of the work;
 - (h) The estimated dates for starting and completing the work to be done;
 - (i) Report of a soils engineer if required by the building official;
 - (j) Such further applicable information as the building official may require in order to carry out the purposes of this chapter;
- (2) Detailed information:
- (a) A sketch by the applicant or his agent showing existing conditions and the proposed work if required by the building official;
 - (b) Such further engineering or soils data as may be required by the building official to fully assess the scope and consequences of the proposed work;
- (3) Drainage considerations:
- (a) Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill;
 - (b) All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course approved by the building official as a safe place to deposit and receive such waters;
 - (c) The building official may require such drainage structures or pipes to be constructed or installed which in his opinion are necessary to prevent erosion damage and to satisfactorily carry off surface waters; and
 - (d) Will comply with all state agencies and there requirements.
- (as added by Ord. #315, March 2006)

14-705. Duration of permit. As stated in § 14-704(1)(i), the estimated time frame for this work will be submitted with the permit application. The building official will, at the time the permit is issued, set a completion date, but, due to circumstances beyond the control of the applicant, the work takes longer than originally scheduled, an extension of time may be granted. In no case shall the schedule exceed one (1) year after initial date of the issuance of a permit. If however, the work is not completed on time as called for in the permit due to lack of pursuit of the work, the permit will expire and the application process for a new permit must be initiated. (as added by Ord. #315, March 2006)

14-706. Denial of permit. An application for work under the provisions of this chapter may be denied for any of the following reasons:

- (1) Insufficient or inadequate information submitted to determine scope of project; and

(2) Proposed work will endanger or be detrimental to adjacent properties or existing features such as streets, utilities, buildings, etc. (as added by Ord. #315, March 2006)

14-707. Inspection of work. Monitoring of the work will be accomplished by the building official or his representative as follows:

- (1) Before project is commenced;
- (2) Upon completion of the project; and
- (3) At any other time(s) the building official may deem necessary. (as added by Ord. #315, March 2006)

14-708. Surety for permitted work in public rights-of-way. Public performance bonds will be posted by the applicant at the time the permit is granted for any and all works and incidental activities to be done within or on public rights-of-way or private property easements. The form and amount of bond will be set by the building official at the time of the permit application and will cover the amount deemed necessary to complete the proposed work and/or potential damages to existing public facilities. Bond will be held until satisfactory restoration or replacement of all damaged or impaired public facilities are completed. This includes but is not limited to roadways, drainage improvements, sanitary sewer lines and water lines. Bonds will be released upon final inspection and approval of the completed work. (as added by Ord. #315, March 2006)

14-709. Permit fees. Permit fees will be charged based upon the nature and magnitude of the work. Work to be performed will be categorized as to nature and magnitude at the time of permit application and a fee charged on the following schedule:

- (1) Area coverage of less than two thousand five hundred (2,500) square feet or less than one hundred (100) cubic yards of material: \$ 50.00
- (2) Area coverage of more than two thousand five hundred (2,500) square feet and more than one hundred (100) cubic yards of material: \$100.00 (as added by Ord. #315, March 2006)

14-710. Maintenance. The project site(s) is to be maintained in an orderly and safe condition at all times as noted by the following:

- (1) The project site will at all times during construction, be kept in a condition that is safe to the general public and adjacent properties;
- (2) The project will have sedimentation control incorporated in its work plan and a provision for natural storm water removal so as to pose no threat of danger to life or property;
- (3) Upon completion, the project must be left in and maintained as conceived, and posing no liability whatsoever in regard to slope stabilization, drainage, improved structures, etc.; and

(4) Prevent transport of construction debris and/or sediment onto surfaces of adjacent properties or public rights-of-way. (as added by Ord. #315, March 2006)

14-711. Violations and penalties. No person shall construct, enlarge, alter, repair or maintain any grading, excavation, fill or cause the same to be done contrary to or in violation of any provision of this chapter. When written notice of a violation of any of the provisions of this chapter has been served by the building official on any person, such violation shall be discontinued immediately. It shall be construed to be a violation of this chapter to solicit public or "at large" dumping of materials on any site by placement of "dump dirt and rock only," "dump here" or any other similar signs. No signs of any nature requesting removal from or placement of material on a site will be allowed unless it meets the requirements of this chapter. (as added by Ord. #315, March 2006)

CHAPTER 8

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-801. Statutory authorization, findings of fact, purpose and objectives.

14-802. Definitions.

14-803. General provisions.

14-804. Administration.

14-805. Provisions for flood hazard reduction.

14-806. Variance procedures.

14-807. Legal status provisions.

14-801. Statutory authorization, findings of fact, purpose and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in chapter 121 of the Private Acts of 2010 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Ashland City, Tennessee, Mayor and its Legislative Body do ordain as follows:

(2) Findings of fact. (a) The Town of Ashland City, Tennessee, Mayor and its Legislative Body wishes to maintain 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 (C.F.R.), ch. 1, section 60.3.

(b) Areas of the Town of Ashland City, 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.

(c) 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, floodproofed, or otherwise unprotected from flood damages.

(3) 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:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

(f) 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;

(g) To ensure that potential homebuyers are notified that property is in a flood prone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #372, Sept. 2010)

14-802. 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 its most reasonable application given its stated purpose and objectives.

(1) "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:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of flood waters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "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.

(4) "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.

(5) "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.

(6) "Area of special flood hazard." See "special flood hazard area."

(7) "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.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building." See "structure."

(10) "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.

(11) "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 flood water, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "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.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "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.

(15) "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.

(16) "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.

(17) "Existing structures." See "existing construction."

(18) "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).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "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.

(21) "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.

(22) "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.

(23) "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.

(24) "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.

(25) "Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood" or "flooding").

(26) "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.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "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.

(30) "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.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "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.

(33) "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.

(34) "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 primarily docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and vessel building and vessel repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) 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;

(b) 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;

(c) 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

(d) Individually listed on the Town of Ashland City, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "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.

(38) "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.

(39) "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.

(40) "Manufactured home" means a structure, transportable in one (1) 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."

(41) "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.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "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.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "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.

(46) "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.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood." See "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "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.

(51) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "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.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "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, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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.

(57) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, 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.

(58) "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.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "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:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been 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

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, 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. (as added by Ord. #372, Sept. 2010)

14-803. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the Town of Ashland City, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Ashland City, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) 47021CV000A, dated 9-17-10 and Flood Insurance Rate Map (FIRM), community panel number(s) 47021C0165D, 47021C0170D, 47021C0234D, 47021C0235D, 47021C0251D, and 47021C0253D, dated 9-17-10, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) 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.

(5) 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.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) 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 man-made 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 Town of Ashland City, 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.

(8) 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 Town of Ashland City, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #372, Sept. 2010)

14-804. Administration. (1) Designation of ordinance administrator. The building official is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) 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:

(a) Application stage. (i) 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.

(ii) Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in § 14-805(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) 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 permit. When floodproofing is utilized for a nonresidential 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 nonresidential 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 floodproofing level upon the completion of the lowest floor or floodproofing.

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.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) 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.

(b) 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.

(c) 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.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) 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 § 14-804(2).

(g) 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 § 14-804(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-804(2).

(i) 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.

(j) 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 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 Town of Ashland City, Tennessee FIRM, meets the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #372, Sept. 2010)

14-805. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) 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;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) 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;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;

(j) 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;

(k) 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;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-805(2);

(m) 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;

(n) 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.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-805(1), are required:

(a) Residential structures. 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 § 14-802). 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."

(b) Nonresidential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated or floodproofed 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 nonresidential 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 § 14-802). 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."

Nonresidential buildings located in all A Zones may be floodproofed, 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 § 14-804(2).

(c) 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.

(i) 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.

(A) 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;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) 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 flood waters and all such partitions shall comply with the provisions of § 14-805(2).

(iv) 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 § 14-802).

(C) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-805(1) and (2).

(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.

(v) Standards for subdivisions and other proposed 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 § 14-805(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-803(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of flood waters, 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. Therefore, the following provisions shall apply:

(a) 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 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 Town of Ashland City, Tennessee and certification thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-805(1) and (2).

(4) 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 § 14-803(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) 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.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-805(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-803(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) 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 (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-805(1) and (2).

(b) 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.

(c) 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 floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-802). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-804(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-805(2).

(d) 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 Town of Ashland City, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-805(1) and (2). Within approximate A Zones, require that those subsections of § 14-805(2) dealing with the alteration or relocation of a watercourse assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-803(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-805(1) and (2) apply:

(a) All new construction and substantial improvements of residential and nonresidential 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 § 14-805(2).

(b) All new construction and substantial improvements of nonresidential 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 floodproofed 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 § 14-804(2).

(c) Adequate drainage paths shall be provided around slopes to guide flood waters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-803(2) 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 (A99 Zones) all provisions of §§ 14-804 and 14-805 shall apply.

(8) Standards for unmapped streams. Located within the Town of Ashland City, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) 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.

(b) 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 §§ 14-804 and 14-805. (as added by Ord. #372, Sept. 2010)

14-806. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review 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.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review 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 board of floodplain review shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the board of floodplain review 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 board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review 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 (number of) fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Ashland City, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) 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.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of floodplain review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-806(1).

(b) 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.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood 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.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #372, Sept. 2010)

14-807. Legal status provisions. (1) 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 Town of Ashland City, Tennessee, the most restrictive shall in all cases apply.

(2) 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.

(3) Effective date. The ordinance comprising this chapter shall become effective twenty (20) days on and after its final passage, in accordance with the Charter of the Town of Ashland City, Tennessee, and the public welfare demanding it. (as added by Ord. #372, Sept. 2010)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. HEAVY OR LARGE VEHICLES ON RESIDENTIAL STREETS.

CHAPTER 1

MISCELLANEOUS²

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.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-112. 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. Bicycle riders, etc.

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. (1973 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. (1973 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. (1973 Code, § 9-109)

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 town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1973 Code, § 9-110)

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. (1973 Code, § 9-111)

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. (1973 Code, § 9-112)

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 town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1973 Code, § 9-113)

15-108. General requirements for traffic control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1973 Code, § 9-114)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign,

¹Municipal code references

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

²This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

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. (1973 Code, § 9-115)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1973 Code, § 9-116)

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. (1973 Code, § 9-117)

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. (1973 Code, § 9-118)

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. (1973 Code, § 9-120)

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. (1973 Code, § 9-121)

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. (1973 Code, § 9-122)

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 ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1973 Code, § 9-123)

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. (1973 Code, § 9-124)

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." (1973 Code, § 9-125)

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. (1973 Code, § 9-126)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires or track is likely to damage the surface or foundation of the street. (1973 Code, § 9-119)

15-121. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the 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.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1973 Code, § 9-127)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1973 Code, § 9-102)

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

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1973 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1973 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1973 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-305. In park 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. (1973 Code, § 9-201, as amended by Ord. #75, March 1991)

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. (1973 Code, § 9-202)

15-303. In school zones. It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1973 Code, § 9-203, as amended by Ord. #75, March 1991 and Ord. #163, Jan. 1997)

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 town. (1973 Code, § 9-204)

15-305. In park areas. The uniform speed limit in park areas is fifteen (15) miles per hour. (Ord. #75, March 1991, modified and Ord. #163, Jan. 1997)

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 (1973 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1973 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1973 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1973 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1973 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian-control signals.
- 15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge of curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1973 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1973 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1973 Code, § 9-403)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

15-504. 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. (1973 Code, § 9-404)

15-505. 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. (1973 Code, § 9-405)

15-506. 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. (1973 Code, § 9-406)

15-507. 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. (1973 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected by the town 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. (1973 Code, § 9-408)

15-509. At pedestrian-control signals. Wherever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the town, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed

his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1973 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1973 Code, § 9-410)

¹State 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.

15-601. 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 the Town of Ashland 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 town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1973 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1973 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1973 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the town, nor:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection or within ten (10) 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 town. (1973 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone or in any alley. (1973 Code, § 9-505)

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. (1973 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of "abandoned motor vehicles."
- 15-706. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1973 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1973 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1973 Code, § 9-603, modified)

9-704. 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 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

¹State law reference

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

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 ten dollars (\$10.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1973 Code, § 9-605)

15-705. Disposal of "abandoned motor vehicles." "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. The impounding and storage fees shall be the same as prescribed in § 15-704 of this code. (1973 Code, § 9-605)

15-706. 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. (a) Parking meter. If the offense is a parking meter violation, the offender may, within seventy-two hours, have the charge against him disposed of by paying to the city recorder a fine of fifty cents (50¢) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after seventy-two hours but before a warrant for his arrest is issued, his fine shall be five dollars (\$5.00) thereafter.

(b) Other parking violations excluding handicapped parking. For other parking violations, excluding handicapped parking violations, the offender may, within seventy-two hours, have the charge against him disposed of by paying to the city recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after seventy-two hours his civil penalty shall be five dollars (\$5.00).

(c) Handicapped parking. Parking in a handicapped parking space shall be punished by a civil penalty of one hundred dollars (\$100.00).

CHAPTER 8

HEAVY OR LARGE VEHICLES ON RESIDENTIAL STREETS

SECTION

15-801. Definition of vehicle.

15-802. Heavy truck traffic prohibited on certain streets.

15-803. Signs posted.

15-804. Penalty.

15-801. Definition of vehicle. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (as added by Ord. #222, Oct. 2000)

15-802. Heavy truck traffic prohibited on certain streets. (1) For the purpose of this section, a heavy truck is defined to be any vehicle whose gross vehicle weight exceeds 5,000 pounds.

(2) All heavy trucks will be prohibited from streets which are marked with proper signage upon approval by the council. Approval of posted streets shall be adopted by the council.

(3) The following categories are exempt from the prohibition of this section:

(a) The operation of heavy trucks upon any street where necessary to conduct business at a destination point within the town provided streets designated as truck routes are used until reaching the intersection nearest the destination point.

(b) The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract to the town while engaged in the repair, maintenance, or construction of streets, street improvements, or public utilities within the town.

(c) The operation of school buses and buses used to transport persons to and from a place of worship, which run a designated route.

(d) The operation of emergency vehicles upon any street in the town. (as added by Ord. #222, Oct. 2000)

15-803. Signs posted. Signs shall be posted on the entrances to each of the streets listed in § 15-802(2) above indicating either by words or by appropriate symbols that heavy trucks are prohibited from travelling upon said streets. (as added by Ord. #222, Oct. 2000)

15-804. Penalty. Any violation of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50). (as added by Ord. #222, Oct. 2000)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. REGULATIONS FOR MOVING STRUCTURES.
4. NUMBERING SYSTEM FOR BUILDINGS.
5. DRIVEWAYS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Sidewalks.
- 16-115. Bond by a subdivision developer for payment of repairs required; permit required.

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. (1973 Code, § 12-201)

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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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. (1973 Code, § 12-202)

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. (1973 Code, § 12-203)

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 (1973 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council after a finding that no hazard will be created by such banner or sign. (1973 Code, § 12-205)

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. (1973 Code, § 12-206)

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. (1973 Code, § 12-207)

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. (1973 Code, § 12-208)

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. (1973 Code, § 12-209)

¹Municipal code reference
Building code: title 12, chapter 1.

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city clerk. No permit shall be issued by the city clerk unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1973 Code, § 12-210)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1973 Code, § 12-211, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1973 Code, § 12-212)

16-113. 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. (1973 Code, § 12-213)

16-114. Sidewalks. Sidewalks must be installed on all the city streets in Ashland City, Tennessee. Sidewalks shall be installed in a uniform manner under the direction of the city engineer.

The City of Ashland City shall be enforcing a sidewalk code ¹ for any new construction at the expense of the developer or land owner that will be occurring on all the streets in Ashland City, Tennessee. This chapter shall not apply to new construction of a single family home on a lot existing on the effective date of passage.

If a person is found in violation of this section there will be a fifty dollar (\$50.00) a day fine after occupancy until the violation is corrected. (Ord. #68, Sept. 1989, as replaced by Ord. #313, Oct. 2005)

16-115. Bond by a subdivision developer for payment of repairs required; permit required. (1) The developer of any subdivision within the City of Ashland

¹ The Sidewalk Code is of record in the office of the city clerk.

city shall post a letter of credit in the amount of \$25.00 per linear foot of city roadway between the entrances to the development and each state highway or state road from which heavy delivery trucks delivering concrete and other building products would normally come making deliveries plus estimated engineering fees to be incurred to document the quality of the streets before and after project completion.

(2) This letter of credit shall be posted prior to the issuance of a final plat for the subdivision.

(3) The secretary of the planning commission shall prior to recording the final plat of the subdivision hire an engineer at the expense of the subdivider. This engineer shall ascertain and document the quality of the roads to and from the subdivision at that time prior to construction.

(4) When the subdivision is substantially complete and built out, the building inspector shall then hire the same engineer at the expense of the subdivider to ascertain what damages, if any, have been done to the streets by delivery trucks and other heavy truck traffic attributable to the subdivision. The discretion of the engineer shall be absolute in this matter. The engineer shall calculate the dollar value of such damage. The building inspector shall make a claim on a letter of credit for amount of damage ascertained by the licensed professional engineer and for all sums due the engineer.

(5) The building inspector shall not accept a letter of credit with an expiration date shorter than 2 years. If within 3 months of the expiration of the letter of credit it appears that the subdivision will not be built out by the expiration of the letter of credit, the building inspector shall demand of the subdivider that the letter of credit be extended for an additional 1 year. If the extension is not received within 6 weeks of the expiration of the letter of credit, the building inspector shall issue a site draft to the bank issuing the letter of credit in an amount adequate to insure that the city will be compensated for any damage to the roadways.

(6) The building inspector shall accept a letter of credit only from state and federally chartered banks having an office in Cheatham County or a county contiguous thereto or a federal or state chartered savings and loan association having a net worth in excess of \$50 million dollars and having its principal offices in Cheatham County, Tennessee or a county contiguous thereto provided however, that a letter of credit from a more distant institution may be accepted when accompanied by a letter from a local institution stating that it will honor, without recourse, all sight drafts drawn on the attached letter of credit.

(7) (a) Any person cutting a road for any purpose within the City of Ashland City shall first obtain a permit from the building inspector and pay a road cutting fee. The permit form shall be signed by the applicant and shall authorize the city to repair the roads at the expense of the applicant if repairs are not completed within thirty (30) days.

(b) Persons drilling under the road at a depth of 40 inches or greater and inserting a casing or pipe the same diameter as the bore shall

not be required to pay a fee but shall post a bond which shall be refunded upon completion if the road is not damaged and the site of the bore is cleaned up and reseeded.

(c) The amount of the road cutting fee shall be TWO THOUSAND DOLLARS (\$2,000.00).

(d) The amount of the road boring bond shall be TWO THOUSAND DOLLARS (\$2,000.00).

(e) The building inspector or his designated representative shall inspect all boring and cutting of roads.

(f) Any person cutting a road shall return the road to as near its original condition as possible except that no dirt shall be returned to the trench. Gravel shall be used as fill and shall be compacted and the pavement or surface repaired. Repairs shall be completed within thirty (30) days. If repairs are not completed within thirty (30) days the building inspector shall contract for repairs at the expense of the permittee.

(g) Any person boring a road shall repair all damage to the road, road shoulders, ditches and area adjacent to the road.

(h) Persons cutting state or federal highways or roads shall obtain such additional state or federal permits as may be required.

(8) Any person violating any portion of this section shall be subject to a fine set by the city judge but not to exceed \$50.00. Each day the illegal condition continues shall be considered a new and separate violation.

(9) If any part of this section is declared illegal or void by a court the remaining portions shall remain effective if these portions are not themselves void.

(10) Anything to the contrary to the provisions of this section contained in any ordinance or code heretofore adopted by this council is hereby repealed to the extent of the conflict but no further. (Ord. #150, April 1996)

CHAPTER 2

EXCAVATIONS¹

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 day on which the office of the city clerk is open for business, and said permit shall be retroactive to the date when the work was begun. (1973 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the city clerk or such person as he may designate to receive such applications, 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

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the city clerk within twenty-four (24) hours of its filing. (1973 Code, § 12-102)

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. (1973 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city clerk 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 city clerk 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 town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city clerk a surety bond in such form and amount as the city clerk shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1973 Code, § 12-104)

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. (1973 Code, § 12-105)

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 town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for 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 city clerk shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1973 Code, § 12-106)

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 city clerk in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1973 Code, § 12-107)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city clerk. (1973 Code, § 12-108)

16-209. Supervision. The city clerk shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1973 Code, § 12-109)

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 city clerk. 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. (1973 Code, § 12-110)

CHAPTER 3

REGULATIONS FOR MOVING STRUCTURES

SECTION

- 16-301. Fee; procedures and regulations.
- 16-302. Moving structures through the city.
- 16-303. Trailers; exemption.
- 16-304. Owner to make necessary improvements.
- 16-305. Violations.

16-301. Fee; procedures and regulations. For moving any building or structure to be relocated in Ashland City the fee shall be one thousand dollars (\$1000.00) and the following procedures and regulations shall be adhered to:

(1) General. A building or a part of a building shall not be moved through or across any side walk, street, alley or highway within the governmental limits of Ashland City without first obtaining a permit from the building commissioner's office.

(2) Written application. Any person desiring to move a building or structure shall first file with the building commissioner a written application setting forth the following regulations.

(a) Type and kind of building or structure to be moved.

(b) The extreme dimension of the length, height and width of the building or structure.

(c) Its present location and proposed location.

(d) The approximate time such building or structure will be upon the streets, and contemplated route that will be taken from present to new location.

(3) Bond required. The building commissioner as a condition precedent to the issuance of such permit, shall require a bond in the amount of ten thousand dollars (\$10,000) to be executed by the person desiring such moving permit, with corporate surety to his satisfaction. The bond shall be made payable to Ashland City and it shall indemnify Ashland City against any damages caused by the moving of such building or structure to streets, curbs, sidewalks, shade trees, highways and any other property which may be affected by the moving of such building or structure. The surety bond shall also be conditioned upon liable for strict compliance with the terms of the permit, as to the route to be taken and limit of the time in which to effect such removal and to repair or compensate for the repair and to pay said applicable governing body as liquidated damages an amount not exceeding fifty dollars (\$50.00) to be prescribed by the building commissioner and every day's delay in completing such removal or repairing any damages to property or public improvements or clearing all public streets, alleys, or highways of all debris occasioned thereby.

(4) The mover must have liability insurance of the same type and the amount equal to or greater than the state requirements. Evidence of such insurance must be furnished to the building commissioner prior to the moving of the structure.

(5) Notice to be given by movers. Upon issuance of the moving permit the movers shall cause notice to be given to the police department and all utility companies. Receipt of such and any instructions, comments or notice shall be furnished by the mover to the building commissioner before the building or structure is moved.

(6) Public safety requirements. (a) The owner or person moving a building or structure shall employ at their expense, two (2) vehicles with safety equipment notice and flashing devices to be placed before and after the structure being moved to divert and caution traffic.

(b) No building or structure shall be moved before ten o'clock (10:00) A.M. or after three o'clock (3:00) P.M. and to be moved to its final location in a time period not to exceed five (5) days after the building or structure has either been moved from its original location or has entered the city.

(c) Every building or structure shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

(d) There shall be a minimum of five (5) red lights on each street side of the building or structure. These red lights shall be attached to the building or structure in such a fashion as to indicate extreme width, height and size.

(e) The owner or person moving a building or structure shall obtain all necessary permits and meet all requirements of the State of Tennessee as defined in Tennessee Code Annotated, title 55. (Ord. #87, Nov. 1992)

16-302. Moving structures through the city. For moving any building or structure or any part of any building or structure through the city or removal from the city to be relocated outside of Ashland City, the procedures in § 16-301(a) through (f) shall be followed and no fee will be charged. (Ord. #87, Nov. 1992)

16-303. Trailers; exemption. Trailers with widths of sixteen feet (16') or less and any building or structure used for agricultural or storage purpose with widths of less than sixteen feet (16') are exempt from obtaining a moving permit. (Ord. #87, Nov. 1992)

16-304. Owner to make necessary improvements. The owner of any building or structure proposed to be moved shall make all necessary improvements and finish the outside of the building or structure within ninety

(90) days and make all necessary improvements and finish the inside of the building or structure within one (1) year of the date of the application. The application for the moving permit shall be accompanied by an application of a building permit. (Ord. #87, Nov. 1992)

16-305. Violations. Any person who commences the moving of a building or a structure before a moving permit is obtained shall be subject to a penalty of 100% of the usual permit fee and 100% of the building permit. (Ord. #87, Nov. 1992)

CHAPTER 4

NUMBERING SYSTEM FOR BUILDINGS

SECTION

16-401. Posting of designated street address.

16-402. New structures.

16-403. Penalties.

16-401. Posting of designated street address. (1) The owner or occupant or person in charge of any house or building to which a number has been assigned will be notified in writing by the city clerk or building inspector or other designated city official of the number assigned to the same at any time after the adoption of this chapter.

(2) Within sixty (60) days after the receipt of written notification of the city clerk or building inspector, or other designated city official, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the same in a conspicuous manner in a conspicuous place. Residentials to have 3" numbers and commercial buildings to have 6" numbers.

(3) It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the town.

(4) Each principal building shall display the number assigned to the frontage on which the entrance is located. In case a principal dwelling is occupied by more than one business or family dwelling unit, each separate front entrance may display a separate number.

(5) Numerals indicating the official numbers for each principal building or front entrance to such buildings shall be posted in a manner as to be legible and distinguishable from the street on which the property is located. (Ord. #76, March 1991)

16-402. New structures. (1) All residents and business buildings erected after the adoption of this chapter shall be assigned a number in accordance with the property numbering system and shall purchase and display such number as provided in this chapter.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the building inspector or from the city clerk the official number of the premises. Final approval for a certificate of occupancy of any principal building erected or repaired after the effective date of this chapter shall be withheld until permanent and proper numbers have been displayed in accordance with the requirements above. (Ord. #76, March 1991)

16-403. Penalties. In the event the owner or occupant or person in charge of any house or building refuses to comply with the terms of this chapter by failing to affix the number assigned within sixty (60) days after notification, or by failing within said period of sixty (60) days to remove any old numbers affixed to such house, or house entrance, or building, or building entrance, or elsewhere, which may be confused with the number assigned thereto, that person shall be punished by a fine of not less than five dollars (\$5.00) for such non-compliance in the city court for the Town of Ashland City, each day constituting a separate offense. (Ord. #76, March 1991)

CHAPTER 5

DRIVEWAYS, ETC.

SECTION

- 16-501. Right-of-way; parking.
- 16-502. Driveways not to impair drainage.
- 16-503. Driveways to afford maximum sight distance; not to create a hazard.
- 16-504. Arrangement of driveways; number of driveways.
- 16-505. Position of driveways.
- 16-506. To be positioned at right angles.
- 16-507. Request by applicant.

16-501. Right-of-way; parking. No part of the street right-of-way should be used for servicing vehicles, displays or for conducting private business. All rights-of-way shall be kept clear of buildings, fences, business signs, parking areas, service equipment and appurtenances thereto. Parking may be permitted on the roadway only where specifically permitted, as posted, by the town.

Each roadside business establishment shall provide parking and storage space off the right-of-way so as not to impede the use of a business driveway or hinder traffic upon a thoroughfare.

For business establishments at a corner street intersection, parking shall be restricted on each street between the intersection and nearest driveway. (Ord. #210, Dec. 1999)

16-502. Driveways not to impair drainage. All driveways shall be constructed in a manner which will not impair drainage within the street right-of-way, nor alter the stability of the roadway subgrade. Further, driveways constructed shall not impair or materially alter the drainage of adjacent areas. All culverts, catch basins, drainage channels and other drainage structures required within the right-of-way and under driveways as a result of any property being developed within the town shall be installed in accordance with the standard cited within the subdivision regulations of the Town of Ashland City, which are hereby incorporated by reference and in accordance with the town's zoning ordinance. All driveway culverts shall be a minimum diameter of 15 inches and a minimum length of 16 feet. (Ord. #210, Dec. 1999)

16-503. Driveways to afford maximum sight distance; not to create a hazard. Any driveway installed along a city street shall be located so as to afford maximum sight distance and shall not constitute a safety hazard. Where a driveway is provided to a commercial establishment, the right-of-way and adjacent border area shall be reasonably clear so that either the establishment or an appropriate sign located outside of the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of drivers desiring

to enter the establishment. The profile of a driveway and the grading of the right-of-way shall be such that a driver of a vehicle that is standing on the driveway may see a sufficient distance in both directions to enable him to enter the highway without creating a traffic hazard.

All improvements on property adjacent to street right-of-way shall have a sufficient setback so that parking, stopping and maneuvering on the right-of-way will be avoided by those patrons in vehicles entering business establishments.

Driveways for vehicles entering or leaving a residential development or establishment shall not interfere with the free movement of traffic or create a hazard upon a public street. Where feasible, driveways shall be located where there are not sharp curves, steep grades and where sight distances are adequate for safe traffic operation. Driveways shall not be located within intersections, rotaries and interchanges, or on streets immediately approaching such. Driveways shall also be located in such a manner that there will be no interference with the placement of signs, signals or other devices affecting traffic operation. (Ord. #210, Dec. 1999)

16-504. Arrangement of driveways; number of driveways. The arrangement and alignment of driveways must be in such a manner that will complement the highway alignment, street profile and sight distance conditions. From the point where any driveway abuts the pavement of any street or highway, the slope of that driveway shall under no circumstance exceed a ten (10) percent grade for the twenty (20) feet of said driveway's point of abutment with the pavement of the street or highway in question. The permissible number, arrangement and width of driveways shall be governed in part by the street frontage of abutting private property, and shall comply with the minimum access control requirements cited in Section 3.090 of the Ashland City Zoning Ordinance. The number of driveways provided shall be the minimum number required to serve the needs of the adjacent property. Frontages of 100 feet or less shall be limited to one driveway. No more than two (2) driveways will be provided to any single property tract or business establishment. (Ord. #210, Dec. 1999)

16-505. Position of driveways. Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way lines shall not be less than 25 feet.

At an intersection of two streets, a driveway connecting each street with a corner property will be permitted, where essential, to conduct business on a corner tract, provided such driveways comply with the minimum access control requirements cited in Section 3.090 of the Ashland City Zoning Ordinance. Where the volume of traffic of the street or streets is high, the driveway(s)

should be located as far away from the intersection as possible. (Ord. #210, Dec. 1999)

16-506. To be positioned at right angles. Whenever possible, all driveways shall be positioned at right angles to the public roadway. (Ord. #210, Dec. 1999)

16-507. Request by applicant. Before construction of a driveway commences off a city street, the applicant must first furnish to the building inspector a written request to construct a driveway and thereafter, furnish a sketch illustrating the location of the applicant's property, a plot plan or simple layout of the applicant's property, especially as it relates to the proposed access design, and the proposed land usage of the applicant's property. Thereafter, it shall be the building inspector's responsibility to grant and issue a permit to the applicant so long as the same is in compliance with this chapter. The building inspector, may at his discretion, refer the applicant's request to the Ashland City Planning Commission for review prior to construction. (Ord. #210, Dec. 1999)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Premises to be kept clean.
- 17-102. Definitions.
- 17-103. Storage of refuse.
- 17-104. Confiscation of unsatisfactory storage containers.
- 17-105. Leaves, lawn clippings, brush, etc.
- 17-106. Collection of refuse.
- 17-107. Disposal of refuse.
- 17-108. Dumping in streams, sewers, and drains prohibited.
- 17-109. Burning restricted.
- 17-110. Service of orders.
- 17-111. Violations.

17-101. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the Town of Ashland City are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (1973 Code, § 8-101)

17-102. Definitions. (1) "Refuse" shall include garbage, rubbish, ashes, and all other putrescible and nonputrescible, combustible and non-combustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce and other similar unwanted materials, but shall not include sewage, body wastes, or recognizable industrial by-products, from all residences and establishments, public and private.

¹Municipal code reference

Property maintenance regulations: title 13.

(2) "Garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, from all public and private residences and establishments.

(3) "Rubbish" shall include all nonputrescible waste materials except ashes from all public and private residences and establishments.

(4) "Ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(5) "Collector" shall mean any person, firm, corporation, or political subdivision, that collects, transports, or disposes of any refuse within the corporate limits of Ashland City.

(6) "Health officer" shall mean the health authority of the Town of Ashland City or his authorized representative. (1973 Code, § 8-102)

17-103. Storage of refuse. Each owner, occupant, tenant, subtenant, lessee, or others, using or occupying any building, house, structure, or grounds within the corporate limits of the Town of Ashland City where refuse materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall provide an adequate number of suitable containers, of a type approved by the health officer, for the storage of such refuse. Such containers shall be constructed of metal and shall be strong and durable, not readily corrodible, rodent and insect-proof, and of a capacity not exceeding 32 gallons and not less than ten gallons, except that the maximum capacity shall not apply in cases where the town is equipped to handle containers of similar construction mechanically. Such containers shall be equipped with handles to facilitate emptying and shall be equipped with tight fitting lids or covers constructed of the same material and of such design as to preclude the free access of flies and other insects and to prevent such containers from collecting water during rains. The lids or covers shall be kept in place at all times except when refuse is being lawfully deposited therein or removed therefrom. Storage containers shall be placed in such convenient and accessible locations for trucking as may be designated by the official refuse collecting agency.

Wet garbage or refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing it in the storage receptacle. All containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (1973 Code, § 8-103)

17-104. Confiscation of unsatisfactory storage containers. The official refuse collecting agency of the town is herein authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when in the discretion of the health officer

such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owner or owners of such containers have been duly notified of such impending action. (1973 Code, § 8-104)

17-105. Leaves, lawn clippings, brush, etc. In no case will it be the responsibility of the refuse collection agency of the town to shovel or pick up from the ground any accumulations of refuse, including leaves, lawn clippings, brush, or packing material. All such materials are to be placed in containers of the type described in § 17-103 or cut and baled, tied, bundled, stacked, or packaged so as not to exceed 36 inches in length and 75 pounds in weight. (1973 Code, § 8-105)

17-106. Collection of refuse. (1) Collection interval. All refuse (including garbage and rubbish as heretofore defined) shall be collected sufficiently frequent to prevent the occurrence of nuisances and public health problems and at intervals of at least once in seven (7) days. The collection of refuse within the Town of Ashland City shall be under the jurisdiction of the sanitation department.

(2) Permits. No person, firm, or corporation (other than the owner) shall engage in the business of collecting refuse or removing the contents of any refuse containers for any purpose whatsoever, unless he possesses a permit to do so from the appropriate authority of the Town of Ashland City. Such permits may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. Such permits may be suspended or revoked for violation of any of the terms of this chapter.

(3) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds.

(4) Times of collection. Collection of refuse by vehicles may only occur between the hours of 6:00 A.M. and 10:00 P.M. Violation of this time restriction may result in a fine or revocation of permit. (1973 Code, § 8-106, as amended by Ord. #311, Jan. 2006)

17-107. Disposal of refuse. The disposal of refuse in any quantity by any individual, householder, establishment, firm, or corporation in any place, public or private, other than the site or sites designated by the constituted authority of the Town of Ashland City is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health and environment. Such methods shall include the maximum practical rodent, insect,

and nuisance control at the place of disposal, and no garbage shall be fed to swine unless said garbage has first been heated to at least 212° F. and held there at least 30 minutes in apparatus and by methods approved by the Tennessee Department of Agriculture as set forth in Chapter 94 of the Public Acts of 1953. Animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer, or shall be rendered at 40 psi. steam pressure, or higher, or similarly heated by equivalent cooking. (1973 Code, § 8-107)

17-108. Dumping in streams, sewers, and drains prohibited. It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the Town of Ashland City. (1973 Code, § 8-108)

17-109. Burning restricted. It shall be unlawful for any person, firm, or corporation to burn or attempt to burn refuse on private or public property within the corporate limits of the Town of Ashland City without first securing the approval of the appropriate city departments having jurisdiction. (1973 Code, § 8-109)

17-110. Service of orders. It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants, or lessees of such properties where violations of this chapter are known to exist. Such violations shall be corrected within the time specified by the health officer. (1973 Code, § 8-110)

17-111. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or fail or refuse to obey any notice issued by the department of health and environment or superintendent of the refuse collection department with reference to the storage, accumulation, or disposal of refuse. (1973 Code, § 8-111)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER USE ORDINANCE.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
5. MOBILE HOMES.
6. STORMWATER MANAGEMENT.
7. ANIMAL AND VEGETABLE FATS, OILS AND GREASE,
AND SOIL/SAND AND LINT TRAPS AND INTERCEPTORS.

CHAPTER 1

WATER AND SEWERS

SECTION

- 18-101. Fluoridation of water.
- 18-102. Tampering with hydrants, valves, etc.
- 18-103. Customers to install pressure controls, etc.; municipality not liable
for pressure fluctuations, etc.
- 18-104. Tap fees for water service inside the corporate limits.
- 18-105. Tap fees for water service outside corporate limits.
- 18-106. Tap fees for sewer service.
- 18-107. Water and sewer scheduled rates and charges.
- 18-108. Regulating surface water to sanitary sewer lines.
- 18-109. Grinder pumps prohibited.
- 18-110. Sewer infrastructure required.
- 18-111. Extenuation of the city's existing water and sewer systems by a
property developer.
- 18-112. Water and sewer department rules and regulations.

18-101. Fluoridation of water. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of Ashland City, Tennessee, to submit such plans to the Department of Health and Environment of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

¹Municipal code references

Building code: title 12.

Refuse disposal: title 17.

Requirements for underground utility facilities: title 14, chapter 4.

The cost of such fluoridation will be borne by the revenues of the water system. (1973 Code, § 13-101)

18-102. Tampering with hydrants, valves, etc. No person shall tamper with or turn on or turn off any of the stop cocks, valves, hydrants, spigots, or fire hydrants, or take or use water or permit water to flow from any of said parts of the water system belonging to the Town of Ashland City, Tennessee, or being a part of the water system of said town, without express permission or authority from the city council. (1973 Code, § 13-102)

18-103. Customers to install pressure controls, etc.; municipality not liable for pressure fluctuations, etc. All customers of the municipal water system shall, at their own expense, have attached or installed at their places of residence, business establishments, or other places for water service, satisfactory and sufficient water pressure controls, cut-offs, etc., necessary to properly control the pressure or lack of pressure of water at any time, so that in case of any high pressure, low pressure, or fluctuations in pressure in the municipality's water mains or lines the customers may protect their property from any damages. Also, each prospective customer desiring water service shall be required to have installed at his expense a check valve on the new service before the town will turn on water for the new service. The municipality shall not be liable to any customer for any damages of any kind that may result or be caused to the customer's plumbing, or other property, by any such interruptions, cessations, high pressure, low pressure, or fluctuations of any kind in the municipality's water mains or water lines. The municipality will endeavor to furnish continuous water service but does not guarantee to the customer any fixed pressure or continuous service.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be cut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1973 Code, § 13-103)

18-104. Tap fees for water service inside the corporate limits.¹ (1) Inside the corporate limits a fee or charge shall be made and is hereby levied for the privilege of tapping or making a connection by any private water line with the town water system. Any time there is a master meter installed for a multi unit

¹Tap fees for water service inside the corporate limits have been reduced by ordinances #398 (Feb. 2013) and #436 (Sept. 2015). These new fee amounts are available in the recorder's office.

building then a tap fee shall be required for every unit as well as the cost of a master meter.

	<u>Meter size</u>	<u>Fee</u>
(a)	3/4"	\$1,000
(b)	1"	\$1,500
(c)	2"	\$2,000
(d)	3"	\$3,000
(e)	4"	\$4,000
(f)	6"	\$6,000
(g)	8"	\$8,000
(h)	10"	\$10,000

(2) Tap fees for the fire protection sprinkler system inside the corporate lines. The fee or charge shall be as follows:

	<u>Meter size</u>	<u>Fee</u>
(a)	2"	\$400.00
(b)	3"	\$600.00
(c)	4"	\$800.00
(d)	6"	\$1,200.00
(e)	8"	\$1,600.00
(f)	10"	\$2,000.00
(g)	12"	\$2,400.00

(1973 Code, § 13-103, as amended by Ord. #58, Sept. 1988; Ord. #115, Oct. 1994; Ord. #250, Feb. 2002, Ord. #330, March 2007, Ord. #398, Feb 2013, and Ord. #436, Sept. 2015)

18-105. Tap fees for water service outside corporate limits. (1) A fee or charge shall be made, and the same is hereby fixed and levied, for the privilege of connecting private water lines with, or tapping, the water lines or pipes, or water system, of the Town of Ashland City, Tennessee, located outside of the

corporate limits. Any time there is a master meter installed for a multi unit building then a tap fee shall be required for every unit as well as the cost of the master meter. The fees are as follows:

	<u>Meter Size</u>	<u>Fee</u>
(a)	3/4"	\$1,200
(b)	1"	\$1,700
(c)	2"	\$2,200
(d)	3"	\$3,200
(e)	4"	\$4,200
(f)	6"	\$6,200
(g)	8"	\$8,200
(h)	10"	\$10,200

(1973 Code, § 13-105, as amended by Ord. #59, Sept. 1988, Ord. #116, Oct. 1994, and Ord. #330, March 2007)

18-106. Tap fees for sewer service.¹ A fee or charge shall be made and is hereby levied for the privilege of making a connection to the sewer system. Any time there is a master meter installed for a multi unit building then a tap fee is required for every unit as well as the cost of a master meter. All tap or connection fees shall be:

	<u>Tap Size</u>	<u>Fee</u>
(1)	3/4"	\$1,000
(2)	1"	\$1,500
(3)	2"	\$2,000
(4)	3"	\$3,000
(5)	4"	\$4,000
(6)	6"	\$6,000

¹Tap fees for sewer service have been reduced by ordinances #398 (Feb. 2013) and #436 (Sept. 2015). These new fee amounts are available in the recorder's office.

(7)	8"	\$8,000
(8)	10"	\$10,000

All pressure sewers \$1,000 -- Customers install their tank to our specifications. (1973 Code, § 13-106, as amended by Ord. #60, Sept. 1988; Ord. #61, Oct. 1988; Ord. #117, Oct. 1994, Ord. #330, March 2007, Ord. #398, Feb 2013, and Ord. #436, Sept. 2015)¹

18-107. Water and sewer scheduled rates and charges. (1) The charges and/or rates for water and sewer and/or water and sewer services provided and furnished by the Town of Ashland City, Tennessee, to its inhabitants, and to all users of such water and sewer services, for each and every calendar month of the year, are hereby adopted, fixed, and established as set forth in the following schedule, to-wit:

	<u>WATER RATES</u>		<u>SEWER RATES</u>
	<u>Inside city</u>	<u>Outside city</u>	<u>All</u>
Base charge (minimum fee)	\$9.67	\$18.16	\$9.67
ALL RATES ARE PER 1,000 Gallons			
First gallon used to last gallon	\$6.37	\$7.27	\$6.37
The water and sewer rates may be adjusted each budgeting cycle to meet the operational requirements including expenses and debt service obligations.			
Flat rate sewer - monthly	\$ 8.00		
Non-refundable application fee - homeowner	\$ 50.00		
Non-refundable application fee - renters	\$100.00		
Residential STEP fee - monthly	\$ 9.50		
Commercial STEP fee - monthly	10% of combined water and sewer total		
Returned check fee	Amount allowable by state law		

¹The current provisions of § 18-106 were taken from Ord. #330 which passed second reading March 2007. This ordinance provides that these provisions shall not take effect until 120 days after final passage.

Reconnection fee inside city	\$ 50.00
Reconnection fee outside city	\$ 75.00
After hours reconnection fee inside city	\$ 75.00
After hours reconnection fee outside city	\$100.00

Industrial rates outside of the industrial park sewer system may be charged at the rate listed above but be charged on the number of gallons of sewer versus number of gallons of water if the industrial user installs a dedicated line to the plant with an appropriate manhole for testing of the sewer and approval of the line by the Town of Ashland City.

(2) Billing and payment. (a) Utility bills for residences will be rendered monthly. Commercial and industrial customers may be billed monthly or more frequently, at the discretion of the governing board. The city clerk shall notify each customer or user of said water and/or sewer services of the amount owing by such customer or user of said services, or either of same.

(b) Utility bills shall include a “net” amount and a “gross” amount. The gross amount is due as specified on the bill and is the net plus ten (10) percent.

(c) Should the net date for payment of a bill fall on a weekend or a holiday, the bill may be paid on the following business day at the net amount.

(d) When a customer does not pay current bill by the cut off date, service shall be discontinued in accordance to the utility’s discontinuance of service policy.

(e) Utility bills are recognized, as a routine bill owed by the customer. The customer’s failure to receive a bill does not change in any way the customer’s obligation to pay the amount due in a timely manner.

(f) The following bill payment method/locations are acceptable:

(i) Mail - payment will be posted according to the postmark on the payment.

(ii) Drop-off box - payment posted on business day that box is opened.

(iii) Town hall and other designated areas as approved by the governing body.

(iv) Automatic ach withdrawal.

(v) Credit card.

(g) The following residential dwellings shall have a separate meter for each living unit:

(i) Single family dwellings and duplexes if being served by more than one (1) electric meter base after the effective date of the ordinance comprising this chapter. However, duplexes may

elect to have one (1) commercial tap upon giving reasonable notice the city.

(ii) Triplexes and multiplexes (three or more meters) if individually owned;

(iii) Condominiums after the effective date of the ordinance comprising this chapter. However, condominiums may elect to have one (1) commercial tap if the bill will be paid by one (1) individual such as a homeowners association upon giving reasonable notice to the city;

(iv) Mobile homes and mobile home parks after the effective date of the ordinance comprising this chapter.

(v) Apartment buildings that were receiving utility service prior to the implementation of the ordinance comprising this chapter.

(h) The following residential dwellings shall have one (1) commercial tap for all living units:

(i) Apartment buildings consisting of four (4) or more units;

(i) All customers in section (g) and (h) above who are allowed to receive service to multiple users though a single meter shall be charged commercial rates if those differ from residential rates. In addition, the following method of bill computation shall apply:

The bill shall be calculated by the number of units multiplied by the base charge for water and sewer plus the fee for gallons of water and sewer used. The total bill shall be the responsibility of the customer who contracted for the metered service.

Example:

12 unit residential complex

12 units multiplied by the base charge plus water usage

(j) Each customer must give a one (1) day notice to the utility of service termination.

(k) Procedure for customer notification of discontinuance of service:

(i) In person: customer must present acceptable identification, or

(ii) Mail or fax: customer must include address, account number, and one other form of positive account identification

(3) Adjustments of billing. (a) It is the customer's responsibility to keep his plumbing system in good working order.

(b) The "utility" will first determine that the meter was properly read. If an investigation of the meter and meter records establishes that the meter was misread or that there was a failure of utility equipment, a new bill will be issued using an estimated reading based on an average of the past 12 months billings for this period. There will be no penalty

assessed in the event the adjustment procedure delays payment past the penalty date.

(c) If an investigation of the meter and meter record establishes that the meter was properly read and that there was no failure of utility equipment, the bill will remain valid and payable.

(d) Adjustments for water. (i) Will be considered only if the leak caused the bill to be five (5) times an average bill. A signed affidavit showing proof of repair will be required before an adjustment can be issued. The calculation for a bill five times greater is as follows:

(A) Determine the average usage of past 12 months then subtract average from usage billed;

(B) Take one-half of usage difference;

(C) Add average usage and one-half of difference, and

(D) The total usage will be the new amount billed. Only one (1) adjustment for water will be allowed in one calendar year.

Example:	12 Month Average	=	5,500 gallons
	Bill with leak	=	35,500 gallons
			(This is 5 times greater than average)
	Difference	=	30,000 gallons
	One-half of difference	=	15,000 gallons
	Average + difference	=	20,500 gallons
			(Adjusted bill amount)

(ii) Adjustments for sewer will be considered when a leak occurs in the water system of the customer and the leak does not enter the sewer system. The sewer bill will be adjusted to an average annual bill. An example of this would be a pipe leak in the ground on the customer's property. Water leaks that enter into the sewer system, such as a faucet leak, will be adjusted on the same basis as a water leak. Sewer adjustment is limited to two (2) consecutive billing periods per leak.

(iii) Adjustments for swimming pools will be for sewer only and one (1) per calendar year. The adjustment will be based on the capacity of water in gallons held by the pool.

(e) Adjustments on water and sewer bills will not be made on the following:

(i) Routine dripping faucets, leaking commodes, or any type of faulty customer plumbing;

(ii) Premises left or abandoned without reasonable care for the plumbing system;

(iii) Watering of lawns or gardens.

(f) The "utility" shall not be obligated to make adjustments of any bills not disputed within thirty (30) days from the billing date.

(g) All requests for billing adjustments must be received by phone, in writing or in person at the business office of the "utility" during regular business hours or official meetings of the "utility."

(h) The mayor or his designee shall file a written report of the customer billing adjustment and the action of the staff regarding the adjustments.

(i) The governing body has the discretion to grant adjustment associated with natural disasters.

(j) The governing body authorizes the department head and/or administrator the discretion to grant a payment plan for a person with extenuating circumstances.

(4) Service connections. (a) The service connection to single family residences shall be limited to serving one residence only. No other dwelling, whether located on the same parcel or on an adjoining parcel, shall be served through the same service connection. Customers may have lines extended to barns and other uninhabited buildings as part of his service, provided that the installation meets the utility's specifications.

(b) A residential tapping privilege shall not entitle a customer to connect a commercial or industrial business such as a beauty parlor or repair shop to the utility's lines without notifying the utility and paying the additional amount required for a commercial or industrial tap.

(c) Authorized employees, representatives and contractors of the utility shall have access to all properties served by the utility at reasonable times for the purpose of reading meters, maintaining and inspecting lines and connections to the utility (or believed to be connected to the utility), observation, measurement, sampling and testing as provided by the policies of the utility and by state and federal law.

(d) The failure of a customer to comply with the provisions of this and other ordinances and policies of the utility shall constitute a breach of contract by the customer. Any customer found to be violating any provision of this ordinance shall be served by the utility with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The offending customer shall, within the period of time stated in such notice, permanently cease all violations.

(e) Any customer who shall continue any violation beyond the time limit stated in the notice shall be disconnected from the system at the convenience of the utility.

(f) If more than one customer is served from a single residential meter installation, the reliability and lifespan of the equipment is impaired. Failure to give notice of additions or changes in load to utility

equipment shall render the customer liable for any damage to utility lines or other equipment caused by the addition or modified installation.

(g) The following residential dwellings shall have a separate meter for each living unit:

(i) Single family dwellings and duplexes if being served by more than one electric meter base after the effective date of this ordinance

(ii) Triplexes and multiplexes (three or more meters) after the effective date of this ordinance;

(iii) Condominiums after the effective date of this ordinance;

(iv) Mobile homes after the effective date of this ordinance;

(v) Mobile home parks applying for service after the effective date of this ordinance,

(vi) Apartment buildings applying for new service after the effective date of this ordinance, except by written agreement with the utility.

(h) The following residential dwellings shall be allowed to maintain multiple living units on one commercial tap:

(i) Mobile home parks consisting of five (5) or more units that were receiving utility service prior to the implementation of this ordinance

(ii) Apartment buildings consisting of five (5) or more units that were receiving utility service prior to the implementation of this ordinance.

(iii) Hotels, motels and campgrounds consisting of five (5) or more units, regardless of when service was initiated.

(i) All customers in section (g) above who are allowed to receive service to multiple users through a single meter shall be charged commercial rates if those differ from residential rates. In addition, the following method of bill computation shall apply:

The bill shall be calculated by the number of units, less one, multiplied by the minimum charge plus the original billed amount. The total bill shall be the responsibility of the customer who contracted for the metered service.

Example:

12 Unit Residential Complex

12 units multiplied by minimum billing plus usage.

(5) Bad check. When financial institutions return a check or ach withdrawal to the city for insufficient funds or account closed the city will levy a service charge for the amount of check or withdrawal and will require the check to be picked up or the ach withdrawal to be paid by a specified date. Bad check/ach withdrawal service charge is established

under this subsection and the customer may be required to pay the amount by money order, cashier's check or cash, at the discretion of the utility personnel.

(6) Charges for new service. (a) Any customer or potential customer desiring utility service from this utility shall fill out a customer application form. The fee associated with the application is not a security deposit and is not refundable unless the utility cannot, within a reasonable period of time, provide service.

(b) No application fee shall be assessed to a property owner who resumes responsibility for service formerly in the name of a tenant.

(c) A tap fee is a charge made when utility service is initially run from the main line to the customer's property line. The ownership of the tap is conveyed along with the property.

(d) A residential or commercial/industrial tap shall entitle a customer to utility service to one and only one dwelling or business. If a second residential dwelling or business is to receive service on the same or neighboring tract, a second tap must be obtained, unless otherwise determined by the governing body.

(e) If any customer fails to disconnect any additional dwellings during the allotted time period, the customer's service shall be disconnected for violation of the rules and regulations of this utility at the convenience of the utility.

(f) The owner of a property may be allowed to call in to have temporary service restored to his rental property without having to come in to the office in person, as long as all accounts are current.

(7) Temporary or seasonal charges. (a) Customers requiring temporary service shall pay all costs of connecting and disconnecting service, in addition to the regular charge for water used, provided such temporary service can be feasibly provided at the discretion of the utility. No application fee shall be assessed to a property owner who resumes responsibility for service formerly in the name of a tenant.

(b) The customer shall pay all costs for the discontinuance and reinstatement of service for any other purposes for the customer's exclusive benefit.

(c) If a customer wishes service to be temporarily turned off, he must contact the utility in person or in writing. Depending on the duration of the cut-off, the utility will valve off or remove the meter, at its discretion.

(d) As long as the account is active, a minimum bill will be assessed at each billing period. All taps made after the acceptance of this ordinance will be considered an active account so a minimum bill will be assessed. (The minimum bill reflects each customer's share of the overhead to operate the system). By keeping the account active, the customer can demand service at any time and therefore must share in the

costs. (1973 Code, § 13-107, as amended by Ord. #54, Jan. 1988; Ord. #57, April 1988; Ord. #74, _____; Ord. #113, Oct. 1994; Ord. #118, Oct. 1994; Ord. #128, March 1995; Ord. #143, Jan. 1996; Ord. #97-171, July 1997; and Ord. #98-192, Nov. 1998; replaced by Ord. #211, March 2000; and amended by Ord. #217, June 2000; Ord. #233, June 2001; Ord. #289, Sept. 2001; Ord. #243, Oct. 2001; Ord. #262, Dec. 2002; Ord. #279, Nov. 2003, Ord. #317, May 2006, Ord. #322, Aug. 2006, Ord. #348, July 2008, Ord. #355, March 2009, Ord. #362, Sept. 2009, Ord. #371, Sept. 2010, Ord. #383, June 2011, Ord. #387, Nov. 2011, Ord. #396, Sept. 2012, Ord. #419, June 2013, and Ord. #434, Sept. 2015)

18-108. Regulating surface water to sanitary sewer lines. It shall be unlawful for any person to connect to the sanitary sewer line any rain water leaders, roof leaders or gutters, surface drains, or ground water drains. (1973 Code, § 13-108)

18-109. Grinder pumps prohibited. There are other sanitary sewer products and devices that can serve both the city and the customers better and less expensively than the grinder pumps have been able to do in the past. It is now the city's policy to disallow any more grinder pumps on the sewer system, and as those grinder pumps in service today be replaced with other devices as they become defective. (Ord. #138, Aug. 1996)

18-110. Sewer infrastructure required. All new sewer line construction provided to the town as a result of private development shall meet the gravity sewer requirements as promulgated by the Tennessee Department of Health and Environment unless otherwise excepted by the City Council of the Town of Ashland City. (Ord. #160, Sept. 1996)

18-111. Extenuation of the city's existing water and sewer systems by a property developer. Any and all sewer and water main extensions within new subdivisions being developed within the corporate limits of the Town of Ashland City shall be installed by and at the expense of the developer. Such lines shall be installed in accordance with the city's standard specifications for water and wastewater and will be subject to inspections during installation and finalization to confirm that they comply with such specifications.

Upon completion of said lines, and confirmation that they comply with the city's specifications, the city will assume ownership and responsibility for all future operations and maintenance with the exception that the developer is responsible for any and all maintenance for one (1) year from the date of completion.

If the city should determine that the design capacity of the line should be increased to allow the services of areas other than the development, the city will

pay the difference between the cost of the line sized for the development versus the cost of the main to serve the expanded area.

Prior to the installation of any on site main sewer line, the developer shall pay to the city, the total set tap fee per unit. The developer is eligible for a credit of 40% of each tap fee collected for the project.

All sewer and water main extensions by a developer shall be further outlined in a contract between the city and the developer. (Ord. #190, Nov. 1998, as replaced by Ord. #199, April 1999)

18-112. Water and sewer department rules and regulations. Water and sewer also has separate water and sewer department rules and regulations which may be modified from time to time. These are hereby referenced and incorporated into this chapter including but not limited to fines and penalties. (as added by Ord. #387, Nov. 2011)

CHAPTER 2

SUPPLEMENTARY SEWER USE ORDINANCE

SECTION

- 18-201. General provisions; purpose and policy.
- 18-202. Definitions and abbreviations.
- 18-203. Use of public sewers required.
- 18-204. Private sewage disposal.
- 18-205. Building sewers and connections.
- 18-206. Use of the public sewers.
- 18-207. Use of the sewers by industrial users.
- 18-208. Protection from damage.
- 18-209. Powers and authority of inspection.
- 18-210. Penalties.
- 18-211. Validity.
- 18-212. Policy in force.

18-201. General provisions; purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Ashland City and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system that will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect dischargers to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted or appropriated, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the Town of Ashland City and to persons outside the town who are, by contract or agreement with the town, users of the Ashland City POTW. This chapter is a supplement to Chapter 1 in this title, as

amended. Except as otherwise provided herein, the city manager of the town's POTW shall administer, implement, and enforce the provisions of this chapter. (1973 Code, § 13-201)

18-202. Definitions and abbreviations. (1) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(a) "Act or the act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(b) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(c) "Authorized representative of an industrial user." An authorized representative of an industrial user may be:

(i) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(ii) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(iii) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(d) "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C expressed in terms of weight and concentration (milligrams per liter).

(e) "Building drain." The part of the lower horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1-5 meters) outside the inner face of the building wall.

(f) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.

(g) "Categorical standards." National categorical pretreatment standards or pretreatment standard.

(h) "City administrator." The duly authorized representative of the Town of Ashland City.

(i) "City manager." The manager of the sewerage works of the Town of Ashland City, or his authorized deputy, agent, or representative.

(j) "Combined sewer." A sewer receiving both surface runoff and sewage.

(k) "Control authority." The "approval authority," defined hereinabove, or the city manager if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

(l) "Conventional pollutants." Those pollutants normally found.

(m) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(n) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(o) "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 said agency.

(p) "Garbage." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

(q) "Grab sample." A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(r) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(s) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system.)

(t) "Industrial pretreatment." Any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state, and local regulations.

(u) "Industrial user." Any individual, firm, company, association, society, corporation, or group involved in industrial manufacturing processes, trade, or business that discharges waste into the sanitary sewers.

(v) "Industrial wastes." The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewer.

(w) "Inhibition." Any pollutant that might impair, effectively reduce, or terminate the biological process and/or biological operation of the sewage treatment plant.

(x) "Interference." The inhibition or disruption of the POTW treatment processes or operations that contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(y) "Monitoring." Any method of sampling and analyzing of industrial waste, discharged into the sanitary sewer by industrial users, employed by the town to enforce industrial pretreatment regulations.

(z) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) that applies to a specific category of industrial users.

(aa) "National pollution discharge elimination system or NPDES permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(bb) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

(cc) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(dd) "New source." Any source whose construction is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard that will be applicable to such source, if such standard is thereafter published within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source whose construction is commenced after the date of promulgation of the standard.

(ee) "Pass through." Any pollutant that enters the sewage works and is not totally removed before entering the receiving stream.

(ff) "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.

(gg) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(hh) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(ii) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(jj) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(kk) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(ll) "Priority pollutants." Shall mean any of the one hundred twenty-nine (129) pollutants that affect stream quality or stream life in the receiving stream and its subsequent waters.

(mm) "Properly shredded garbage." The wastes from the preparation, cooking, and dispensing of foods which have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(nn) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) that is owned in this instance by the town. 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 town who are, by contract or agreement with the town, users of the town's POTW.

(oo) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(pp) "Receiving stream." The natural stream or watercourse that accepts the discharge from the sewage treatment plant.

(qq) "Sanitary sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(rr) "Sewage." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(ss) "Shall" is mandatory; "may" is permissive.

(tt) "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.

(uu) "State." State of Tennessee.

(vv) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(ww) "City manager." The person designated by the town to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representatives.

(xx) "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.

(yy) "Town." The Town of Ashland City, Tennessee, the mayor, the city manager, the wastewater treatment plant city manager, the pump station city manager, or their duly authorized representative.

(zz) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator

of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

(aaa) "User." Any person who contributes, causes, or permits the contribution of wastewater into town's POTW.

(bbb) "Wastewater." The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated that is contributed into or permitted to enter the POTW.

(ccc) "Wastewater contribution permit." As set forth in § 18-207 (10) of this chapter.

(ddd) "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.

(2) Abbreviations. The following abbreviations shall have the designated meanings:

BOD	-	Biochemical oxygen demand
CFR	-	Code of Federal Regulations
COD	-	Chemical oxygen demand
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutants Discharge Elimination System
POTW	-	Publicly owned treatment works
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	-	Total suspended solids
USC	-	United States Code

(1973 Code, § 13-202)

18-203. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the boundaries of the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste if public sewer is available.

(2) It shall be unlawful to discharge to any natural outlet within the boundaries of the town or in any area under the jurisdiction of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage if public sewer is available.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this policy, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. If the property is a single family dwelling, the council may in its discretion waive this requirement as long as the residence or proposed site of the residence is further than five hundred (500) feet from the sewer line. (1973 Code, § 13-203, as amended by Ord. #278, Aug. 2003)

18-204. Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county, and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. (1973 Code, § 13-204)

18-205. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city manager.

(2) There shall be two (2) classes of building permits:

(a) for residential and commercial service, and

(b) for service to establishments producing industrial wastes. In

either case the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city manager. A permit and inspection fee of three dollars (\$3.00) for a residential, commercial, or industrial building sewer permit shall be paid to the town at the time the application is filed.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building, except that when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city manager, to meet all requirements of this policy.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials set forth in the appropriate ASTM specifications and the procedures set forth in the WPCF Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the town, or to the materials requirements set forth in the appropriate ASTM specifications and the procedures set forth in the WPCF Manual of Practice No. 9. set forth in appropriate specifications of the ASCE and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city manager before installation.

(10) The applicant for the building sewer permit shall notify the city manager or his authorized representative 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 manager or his representative.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (1973 Code, § 13-205)

18-206. Use of the public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial

cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Board, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described pollutants to any public sewer:

(a) Any liquids, solids, or gases that by reason of their nature or quantity, may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the POTW or to the operation of the POTW. At no time shall two successive readings on any explosion hazard meter, at any point of the discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances that the town, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Pollutants that cause corrosive structural damage to the system; in no case discharges with a pH lower than 6.0 or higher than 9.0, nor can the pH be increased more than 1.0 per hour.

(c) Solid or viscous substances that may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or flesh, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such a volume or strength as to cause interference to the system.

(e) Heat in amounts which will inhibit biological activity in the system resulting in interference, but in no case heat in such quantities that the temperature at treatment plant influent exceeds 40° C (104° F).

(f) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 HP metric) or larger shall be subject to the review and approval of the city manager.

(g) Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and that will

or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(4) No person, firm, association, or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreted disposal system into the POTW unless such person, firm, association, or corporation obtains a permit from the city manager to perform such acts or service. Any person, firm, association, or corporation desiring a permit to perform such services shall complete and file with the town an application on the form prescribed by the town. Upon any such application, said permit shall be issued by the city manager when the conditions of this chapter have been met, providing the city manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. An annual service charge, payable to the Town of Ashland City, may be included as a provision to the permit. The city manager shall designate approved locations for the emptying and cleansing of all equipment used on 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.

(5) Any person determined an industrial user shall not only be regulated by regulations set forth in this section but shall also be required to adhere to all provisions established in § 18-207. (1973 Code, § 13-206)

18-207. Use of the sewers by industrial users. (1) This section establishes limitations and prohibitions on the quantity and quality of wastewater that may be lawfully discharged to the POTW. The specific limitations set forth in subsequent sections are subject to change as necessary to enable the town to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the town to meet requirements contained in its National Pollution Discharge Elimination System (NPDES) permit.

(2) The wastewater of every industrial user shall be evaluated upon the following criteria:

(a) Wastewater containing any element or compound that is not adequately removed by the treatment works which is known to be an environmental hazard;

(b) Wastewater causing a discoloration or any other condition in the quality of the town's POTW treatment plant effluent such that receiving water quality requirements established by laws cannot be met;

(c) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

(d) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scums causing them to be unsuitable for reclamation process; and

(e) Wastewater having constituents and concentrations in excess of those listed in subsection (3) hereafter.

When the city manager determines that a user or users are contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the city manager shall (i) advise the user(s) of the impact of the contribution on the POTW and (ii) develop effluent limitations(s) for such user(s) to correct the interference with the POTW.

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 city manager shall notify all affected users of the applicable requirements under 40 CFR, Section 403.12.

(3) The city manager shall monitor the treatment works influent for each parameter in the following table. Each industrial user shall be responsible for monitoring and reporting these requirements. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the city manager shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town administrator such remedial measures as are necessary, including but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The city manager shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

TABLE I
INFLUENT LIMITATIONS FOR THE
ASHLAND CITY WASTEWATER TREATMENT PLANT

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/l)</u>	<u>Maximum Instantaneous Concentration (mg/l)</u>
5-Day BOD	275	500
TSS	260	500
Arsenic	0.10	0.20
Barium	5.0	10.0
Cadmium	0.01	0.02
Chromium (Hexavalent)	1.0	1.5
Chromium (Total)	3.0	5.0
Copper	1.0	2.0
Cyanide	0.05	0.10
Iron	10.0	15.0
Lead	0.10	0.20
Mercury	0.05	0.10
Nickel	1.0	2.0
Selenium	0.03	0.06
Silver	1.0	2.0
Zinc	0.20	0.50

Modification of federal categorical pretreatment standards: Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" (as defined hereinafter) shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent that is achieved by the system when 95 percent (95%) of the samples taken

measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 402, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained.

TABLE II

LIMITATIONS OF POLLUTANTS

Listed below are the pollutants which are to be regulated by the Town of Ashland City for the purpose of maintaining proper operations of their POTW. The influent cannot contain any more micrograms per liter than is listed below.

Copper	119 ug/l	Carbon Tetrachloride	15 ug/l
Chromium (Hexavalent)	375 ug/l	Chloroform	21 ug/l
Chromium (Tervalent)	375 ug/l	Tetrachloroethylene	138 ug/l
Nickel	272 ug/l	Trichloroethyle	100 ug/l
Cadmium	33 ug/l	1, 2 Transdichloroethylene	7.5 ug/l
Lead	25 ug/l	Methylene Chloride	104 ug/l
Mercury	6 ug/l	Phenol	27 ug/l
Silver	29 ug/l	Naphthalene	12.5 ug/l
Zinc	1052 ug/l	Bis (2-ethyl hexyl phathalate)	
Cyanide	605 ug/l	Butyl benzyl phthalate	
Toluene	214 ug/l		
Benzene	13 ug/l		
1,1,1-Trichloroethane	250 ug/l	Di-n-butyl phthalate	
Ethylbenzene	40 ug/l	Diethyl phthalate	305 ugl

(4) Industrial users shall be required to perform any industrial pretreatment whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations set forth in subsection

(3) above to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the users wastewater discharge permit.

(5) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(6) The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-201 of this chapter.

(7) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.

(8) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user immediately to telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The POTW shall keep a log on such events.

Written notice: Within five (5) days following an accidental discharge, the user shall submit to the city manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability that may be imposed by this section or other applicable law.

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.

(9) The town may adopt charges and fees that may include:

(a) Fees for reimbursement of costs of setting up and operating in the town's pretreatment program;

(b) Fees for monitoring, inspections, and surveillance procedures;

(c) Fees for reviewing accidental discharge procedures and construction;

(d) Fees for permit application;

(e) Fees for filing appeals;

(f) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards; and

(g) Other fees as the town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town.

(10) 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 obtain a wastewater contribution permit within 180 days after the effective date of this chapter.

(11) Users required to obtain a wastewater contribution permit shall complete and file with the town an application in the form prescribed by the town and accompanied by a fee of three dollars (\$3.00). Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and location (if different from the address);

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics, including but not limited to those mentioned in § 18-206(3), and § 18-207(2) and (3), as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(d) Time and duration of contribution;

(e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;

(g) Description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged;

(h) Where known, the nature and concentration of any pollutants in the discharge that are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(ii) No increment referred to in subsection (i) above shall exceed 9 months.

(iii) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the city manager.

(j) Each product produced by type, amount, process or processes, and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees and hours of operation of plant and proposed or actual hours or operation of pretreatment system; and

(m) Any other information as may be deemed by the town to be necessary to evaluate the permit application.

The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater contribution permit subject to terms and conditions provided herein.

(12) Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit as required by § 18-207(11), the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the city manager within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (h) and (i) of § 18-207(11).

(13) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the town. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, reporting schedule, and number, types, and standards for tests;

(f) Compliance schedules;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording the town access thereto;

(i) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharges in accordance with § 18-207(2); and

(k) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(14) Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications by the town during the term of the permit as limitations or requirements identified in § 18-207(5) are modified or if some other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(15) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(16) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility that are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

(a) Any user subject to a pretreatment standard shall, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, submit to the city manager during the months of June and December, unless required more frequently in the pretreatment standard or by the city manager, a report indicating the nature and concentration of pollutants in the effluent that are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that, during the reporting period, exceeded the average daily flows reported in § 18-207(11)(e). At the discretion of the city manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city manager may agree to alter the months during which the above reports are to be submitted.

(b) The city manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city manager, of pollutants contained therein that are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.)

(17) When required by the city manager, the owner of any property, serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city manager. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(18) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this policy shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined based on suitable samples at the control manhole provided. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally,

but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(19) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern. In no case shall any exception or variance or special agreement be granted that will violate the protection criteria. Before any exception, exemption, variance, or special agreement is granted, the industry must demonstrate good management practices. Good management practices include, but are not limited to, preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharge and to control plant site runoff, spillage, leaks, and drainage from raw material storage. (1973 Code, § 13-207)

18-208. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1973 Code, § 13-208)

18-209. Powers and authority of inspection. (1) The city manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this policy. The city manager or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industrial processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) above, the city manager or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-207(17).

(3) The city manager and other duly authorized employees of the town holds a duly negotiated easement for the purpose of, but not limited to,

inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1973 Code, § 13-209)

18-210. Penalties. (1) Any person found to be violating any provision of this chapter except § 18-208 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) above shall be guilty of a misdemeanor and, on conviction therefor, shall be fined in an amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this policy shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(4) The town shall be empowered with the right to disconnect any person in violation of any provision of this policy if corrective action is not taken upon the initiation of the fifty dollars (\$50.00) per day fine from sanitary sewer services in accordance with the national pretreatment regulations.

(5) The town shall annually publish in the local newspaper a list of the users that were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (1973 Code, § 13-210)

18-211. Validity. (1) All policies or part of policies in conflict herein are hereby repealed.

(2) The invalidity of any section, clause, sentence, or provision of this policy shall not affect the validity of any other part of this policy which can be given effect without such invalid part or parts. (1973 Code, § 13-211)

18-212. Policy in force. This policy shall be in force and effect from and after its passage, approval, recording, the public welfare requiring it. (1973 Code, § 13-212)

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations.

18-301. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excrete." The bowel and kidney discharges of human being.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health and Environment as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid

depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1973 Code, § 8-201)

18-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excrete. (1973 Code, § 8-202)

18-303. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1973 Code, § 8-203)

18-304. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health and environment. (1973 Code, § 8-204)

18-305. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal

installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1973 Code, § 8-205)

18-306. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1973 Code, § 8-206)

18-307. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1973 Code, § 8-207)

18-308. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner to provide such facilities. (1973 Code, § 8-208)

18-309. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1973 Code, § 8-209)

18-310. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1973 Code, § 8-210)

18-311. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1973 Code, § 8-211)

18-312. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial, in any formation which may permit the pollution of ground water. (1973 Code, § 8-212)

18-313. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1973 Code, § 8-213)

18-314. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1973 Code, § 8-214)

18-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1973 Code, § 8-215)

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.
- 18-411. Applicability.
- 18-412. Approved backflow prevention assemblies.
- 18-413. Backflow prevention assembly installation requirements.
- 18-414. Existing backflow prevention assemblies.
- 18-415. Assembly performance evaluations and testing.
- 18-416. Conflicting provisions.
- 18-417. Responsibility for water system.
- 18-418. Inspection and testing fees.
- 18-419. Thermal expansion control.
- 18-420. Safety standards-duplicate equipment in parallel required.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Air gap." A physical separation between the free flowing discharge end of a potable water supply line and an open or non-pressurized receiving vessel.

(2) "Approved air gap." An air gap separation with a minimum distance of at least twice the diameter of the supply line when measured vertically above the overflow rim of the vessel, but in no case less than one inch (1").

(3) "Approved." Any condition, method, device, procedure accepted by the Tennessee Department of Environment and Conservation, Division of Water Supply, and water provider.

¹Municipal code references

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(4) "Auxiliary intake." Any piping connection or other device whereby water may be secured from any sources other than from the public water system.

(5) "Auxiliary water supply." Any water supply on or available to the premises other than water supplied by the public water system.

(6) "Backflow." The reversal of the intended direction of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of a potable water system from any source.

(7) "Backpressure." A pressure in the downstream piping that is higher than the supply pressure.

(8) "Back-siphonage." Negative or sub-atmospheric pressure in the supply piping.

(9) "Backflow prevention assembly." An approved assembly designed to prevent backflow.

(10) "Bypass." Any system of piping or other arrangement whereby water may be diverted around a backflow prevention assembly, meter, or any other public water system controlled device.

(11) "Contamination." The introduction or admission of any foreign substances that causes illness or death.

(12) "Contaminant." Any substance introduced into the public water system that will cause illness or death.

(13) "Cross-connection." Any physical arrangement whereby public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of contaminating the public water supply as result of backflow caused by the manipulation of valves, because of ineffective check valves or backpressure valves or because of any other arrangement.

(14) "Cross-connection control coordinator/manager." The person who is vested with the authority and responsibility for the implementation of the cross-connection control program and for the provision of this ordinance/policy.

(15) "Customer." Any natural or artificial person, business, industry, or governmental entity that obtains water, by purchase or without charge, from the water provider.

(16) "Direct cross-connection." An actual or potential cross-connection subject to back-siphonage and backpressure.

(17) "Double check detector assembly." A specially designed assembly composed of line size approved double check valve assembly, with a bypass containing a water meter and approved double check valve assembly specifically designed for such application. The meter shall register accurately for very low rates of flow up to three (3) gallons per minute and shall show a registration for all rates of flow. This assembly shall only be used to protect against non-health hazards and is designed primarily for use on fire sprinkler systems.

(18) "Double check valve assembly." An assembly of two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between tightly closing resilient seated shutoff valves and fitted with properly located resilient seated test cocks. This type of device shall only be used to protect against non-health hazard pollutants.

(19) "Failed." The status of a backflow prevention assembly determined by a performance evaluation based on the failure to meet all minimums set forth by the approved testing procedure.

(20) "Fire system classifications protection." The classes of fire protection systems, as designated by the American Water Works Association "M14" for cross-connection control purposes based on water supply source and the arrangement of supplies, are as follows:

Class 1: Direct connection to the public water main only; non pumps, tanks, or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry well or other safe outlets.

Class 2: Same as Class 1, except booster pumps may be installed in connection from the street mains.

Class 3: Direct connection to public water supply mains in addition to any one (1) or more of the following: elevated storage tanks; fire pumps taking suction from above ground covered reservoirs or tanks; and pressure tanks.

Class 4: Directly supplied from public water supply mains, similar to Class 1 and Class 2, with and auxiliary water supply dedicated to fire department use and available to premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5: Directly supplied from public water supply mains and interconnection with auxiliary supplies such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells or industrial water systems; where antifreeze or other additives are used.

Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(21) "Hazard, degree of." A term derived from evaluation of the potential risk to public health and the adverse effect of the hazard upon the public water system.

(22) "Hazard, health." A cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, caused death, illness, and spread disease also known as a high hazard.

(23) "Hazard, plumbing." A cross-connection in a customer's potable water system plumbing that is not properly protected by an approved air gap or backflow prevention assembly.

(24) "Hazard, non-health." A cross-connection or potential cross-connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply also known as low hazard.

(25) "Indirect cross-connection." An actual or potential cross-connection subject to back-siphonage only.

(26) "Industrial fluid." Any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration that could constitute a health, system, pollution, or plumbing hazard if introduced into the public water supply. This shall include, but is not limited to: polluted or contaminated water; all type of process water or used water originating from the public water system and that may have deteriorated in sanitary quality; chemicals; plating acids and alkalis; circulating cooling water connected to an open cooling tower; cooling towers that are chemically or biologically treated or stabilized with toxic substance; contaminated natural water systems; oil, gases, glycerin, paraffin, caustic, and acid solutions, and other liquids or gases used in industrial processes, or for fire purposes.

(27) "Inspection." An on-site evaluation of an establishment to determine if backflow prevention assemblies are needed by the customer to protect the public water system from actual or potential cross-connections.

(28) "Interconnection." Any system of piping or other arrangement whereby a public water supply is connected directly with a sewer, drain, conduit, or other device, which does, or may carry sewage or not.

(29) "Passed." The status of a backflow prevention assembly determined by a performance evaluation in which the assembly meets all minimums set forth by the approved testing procedure.

(30) "Performance evaluation." An evaluation of an approved double check valve assembly or reduced pressure principle assembly (including approved detector assemblies) using the latest approved testing procedures in determining the status of the assembly.

(31) "Pollutant." A substance in the public water system that would constitute a non-health hazard and would be aesthetically objectionable if introduced into the public water supply.

(32) "Pollution." The presence of a pollutant or substance in the public water system that degrades its quality so as to constitute a non-health hazard.

(33) "Potable water." Water that is safe for human consumption as prescribed by Tennessee Department of Environment and Conservation, Division of Water Supply.

(34) "Public water supply." An entity that furnishes potable water for general use and which is recognized as the public water supply by Tennessee Department of Environment and Conservation, Division of Water Supply.

(35) "Pressure vacuum breaker assembly." An assembly consisting of one (1) or two (2) independently operating spring loaded check valve(s) and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shutoff valve(s) on each side of the check valves and properly located test cocks for testing valves. This assembly is approved for internal use only and is not approved for premise isolation by the State of Tennessee.

(36) "Public water system." A water system furnishing water to the public for general use which is recognized as a public water supply by the State of Tennessee.

(37) "Reduced pressure principle assembly." An assembly consisting of two independently acting approved check valves together with hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and below the first check valve. These units shall be located between two tightly closing resilient seated shutoff valves as an assembly and equipped with properly located resilient seated test cocks.

(38) "Reduced pressure principle detector assembly." A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a water meter and approved reduced pressure principle backflow prevention assembly specifically designed for such application. The meter shall register accurately for very low flow rates of flows up to three (3) gallons per minute and shall show registration for all flow rates. This assembly shall be used to protect against non-health and health hazards and used for internal protection.

(39) "Service connection." The point of delivery to the customer's water system; the terminal end of a service connection from the public water system where the water department loses jurisdiction and control over the water. "Service connection" shall include connections to fire hydrants and all other temporary or emergency water service connections made to the public water system.

(40) "State." The State of Tennessee, Tennessee Department of Environment and Conservation, Division of Water Supply.

(41) "Survey." An evaluation of a premise by a water system performed for the determination of actual or potential cross-connection hazards and the appropriate backflow prevention needed.

(42) "Water system." The water system operated, whether located inside or outside, the corporate limits thereof, shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the production, treatment, storage, and distribution of water, and shall include all those facilities of the water system under the complete control

of the water department, up to the point where the customer's system begins (i.e. downstream of the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying water to the point of use. (1973 Code, § 8-301, as replaced by Ord. #445, April 2016)

18-402. Standards. The public water system is to comply with Tennessee Code Annotated, § 68-221-711, as well as the rules of public water systems, legally adopted in accordance with this policy/ordinance, which pertain to intakes, bypasses, and interconnections, and establish an effective, ongoing program to control these undesirable water uses. (1973 Code, § 8-302, as replaced by Ord. #445, April 2016)

18-403. Construction, operation, and supervision. No person shall cause a cross-connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same has been approved by the Tennessee Department of Environment and Conservation and the operation of such cross-connections, auxiliary intake, bypass, or interconnection is at all times under the direct supervision of the cross-connection control coordinator of the public water system. (1973 Code, § 8-302, as replaced by Ord. #445, April 2016)

18-404. Statement required. That any person whose premises are supplied with water from public water system, and who also has on the same premises a separate source of water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Town of Ashland City Water Department a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnection. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1973 Code, § 8-304, as replaced by Ord. #445, April 2016)

18-405. Inspections required. The cross-connection coordinator shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the cross-connection coordinator in accordance with guidelines acceptable to the division of water supply. (1973 Code, § 8-305, as replaced by Ord. #445, April 2016)

18-406. Right of entry for inspections. The cross-connection coordinator or designee shall have the right to enter at any reasonable time any property

served by a connection to the Town of Ashland City Water Department for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant or any property so served shall furnish any pertinent information regarding the piping system on the property. The refusal of such information or refusal of access, when requested, shall be deemed as evidence of the presence of connections. (1973 Code, § 8-306, as replaced by Ord. #445, April 2016)

18-407. Correction of violations. (1) Any customer having cross-connections, auxiliary intakes, bypasses, or interconnection(s) in violation of this ordinance shall, after a thorough investigation of existing conditions and an appraisal of the time required, complete the work within the time designated by the cross-connection control coordinator or designee, but in no case shall the time for correction exceed ninety (90) days for high and low hazards or fourteen (14) days for high risk high hazards.

(2) Failure to comply with any order of the cross-connection control coordinator or designee within the time set out there in shall result in the termination of water service.

(3) Where cross-connections, auxiliary intakes, bypasses, or interconnections are found to constitute a high risk high hazard, the public water supply, the cross-connection control coordinator or designee shall require prompt corrective action (within fourteen (14) days) to be taken to eliminate the threat. Expeditious steps shall be taken to disconnect the public water system from the customer's piping systems unless the extreme hazard is corrected immediately.

(4) Failure to correct conditions threatening the safety of the public water system as prohibited by this ordinance or Tennessee Code Annotated, § 68-221-711 within the time limits set by the cross-connection control coordinator or designee or this ordinance, shall be cause for denial or termination of water service. If proper protection is not provided after times set forth in this ordinance, the cross-connection control coordinator or designee shall give the customer written notification that water service is to be discontinued, and thereafter physically separate the public water system from the customer's system in such a manner that the two systems cannot be connected by an unauthorized person.

(5) In the event that a backflow prevention assembly is deemed failed (initial or annual performance evaluation), failure to install backflow prevention assemblies as requested by the water system, or there are deficiencies in the installation from failure to conform to the installation criteria specified in this ordinance, or from deterioration, then the cross-connection control coordinator or designee shall issue a written notice of failure or deficiency (within three (3) days). The time limit is dependent on risk of contamination and may not be greater than ninety (90) days. (1973 Code, § 8-307, as replaced by Ord. #445, April 2016)

18-408. Use of protective devices. An approved backflow prevention assembly shall be installed on each service line to a customer's premises and in all cases, before the first branch line leading off the service line, if it is impractical or easily altered to provide an effective air gap separation, when any of the following conditions exist:

(1) All premises listed as high risk high hazard including industrial fluids, sewage, or any other non-potable substances are handled in such a manner as to create actual or potential health hazard to the water system.

(2) All premises listed with actual or potential cross-connections listed in approved plan criteria list.

(3) Premises having auxiliary water supply, including but not limited to a well, cistern, spring, pond, river, or creek that is not, or may not be, of safe bacteriological or chemical quality and that is not acceptable as an additional source by the cross-connection control coordinator or designee.

(4) The plumbing from a private well or other water supply entering the building served by the public water supply, or is connected, directly or indirectly, to the public water supply.

(5) The owner or occupant of the premises cannot, or is not willing to demonstrate that the water use and protective features of the plumbing are such that frequent alterations are made to the plumbing.

(6) The nature and mode of operation within the premises is such that frequent alterations are made to the plumbing.

(7) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required.

(8) There is likelihood that protective measures may be subverted, altered, or disconnected.

(9) Any premises having service and fire flow connections, most commercial and educational buildings, construction sites, all industrial and medical facilities, lawn irrigation systems, public or private swimming pools, private fire hydrant connections used by any fire department in combating fires, photographic laboratories, standing ponds or other bodies of water, auxiliary water supplies, and wastewater treatment plants.

(10) Any premises having fountains, water softeners or other point of use treatment systems hot tubs or spas, or other type(s) of water using equipment.

(11) Premises otherwise determined by the cross-connection control coordinator or designee to create an actual or potential hazard to the public water system.

(12) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential health hazard to public water system, the public water system shall be protected by an air gap separation (at the discretion of water provider to allow) or a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include but are not limited to:

sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, funeral homes, and metal plating operations.

(13) In the case of any premises where, because of security requirements or other prohibitions or restriction it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the water provider) or reduced pressure principle assembly on each service line to the premises.

(14) A backflow prevention assembly shall be installed on each fire service line at the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line wherever any of the following conditions exist:

(a) Class 1, 2, and 3 fire protection systems shall require at minimum a double check valve (detector) assembly; provided however, that a reduced pressure principle (detector) shall be required:

(i) Underground fire sprinkler pipelines are parallel to and within ten feet (10') horizontally of pipelines carrying waste water or significantly toxic wastes; or

(ii) Premises having unusually complex piping systems;

(iii) The pumpers connecting to the system have corrosion inhibitors or other chemical added to the tanks of the fire trucks;

(iv) The piping system(s) has corrosion inhibitors or other chemical added to prevent freezing;

(v) An auxiliary water supply exists with one thousand seven hundred feet (1,700') of any likely pumper connection.

(b) Class 4, Class 5, Class 6 fire protection systems shall require an air gap, or a reduced pressure principle assembly (detector) as determined by the cross-connection control manager/coordinator or designee.

(c) Where a fire sprinkler system is installed on the premises, a minimum of a double check valve assembly (detector) shall be required.

(d) Where a fire sprinkler system uses chemicals, such as liquid foam, to enhance fire suppression a reduced pressure principle detector assembly shall be required.

(e) The cross-connection control manager/coordinator may require internal or additional backflow prevention devices where it is deemed necessary to protect potable water supplies within the premises.

(15) In the case of any premises with an auxiliary water supply as set out in § 18-414, and not subject to any of the following rules, the public water system shall be protected by an air gap separation or a reduced pressure principle assembly.

(16) Double check valve assemblies (and detectors) may only be used for Class 1-3 fire protection systems (at the discretion of water provider to even allow).

(17) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential hazard to public water system, the public water system shall be protected by a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include but are not limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, funeral homes, and metal plating operations.

(18) In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by a reduced pressure principle assembly (detector) or air gap separation (at the discretion of water provider) assembly on each service line to the premises.

(19) In the case of any premises where, because of security requirements or other prohibitions or restriction it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the water provider) or reduced pressure principle assembly on each service line to the premises.

(20) In the case of any premises where toxic substances are present that could pose an undue health hazard, the cross-connection control coordinator or designee may require an air gap separation or reduced pressure principle assembly at the service connection to protect the public water system. In making this determination, the cross-connection control coordinator or his designee shall consider the degree of hazard based on criteria list in approved plan. (1973 Code, § 8-308, as replaced by Ord. #445, April 2016)

18-409. Unpotable water to be labeled. (1) Any water outlet connected to auxiliary water sources, industrial fluid systems, or other piping containing non-potable liquids or gases, which could be used for potable or domestic purposes, shall be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

(2) The minimum acceptable sign shall have black letters at least one inch (1") high on red background.

(3) Color coding of piping in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the inspector, such color coding is necessary to identify and protect the potable water supply. (1973 Code, § 8-309, as replaced by Ord. #445, April 2016)

18-410. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. In addition to the foregoing fines and penalties, the cross-connection control coordinator or designee shall discontinue the public water service at any premises upon connection and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued.

Independent of and in addition to fines penalties imposed, the cross-connection control coordinator may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection; and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been eliminated. (1973 Code, § 8-310, as replaced by Ord. #445, April 2016)

18-411. Applicability. The requirements contained herein shall apply to all customers and premises of the Town of Ashland City Water Department, and is hereby made a condition required to be met before water service is provided to any customer. This ordinance shall be strictly enforced since it is essential for the protection of the public water supply against contamination and pollution. (as added by Ord. #445, April 2016)

18-412. Approved backflow prevention assemblies and methods. (1) All backflow prevention assemblies shall be fully approved and listed as acceptable by the State of Tennessee as to manufacture, model, size, application, orientation, and alterations. The assembly must have a status of passed determined by performance evaluations to suffice as an approved backflow prevention assembly. The method of installation of backflow prevention devices shall comply with installation criteria set forth by this ordinance and the State of Tennessee. Installation shall be at the sole expense of the owner of the owner or occupant of the premises.

(2) The type of protective assembly required by this ordinance shall depend on the degree of hazard that exists. Reduced pressure principle assemblies (detector) may be used for health hazards and non-health hazards. Double check valve assemblies (detector) may only be used for non-health hazards and is limited to Class 1-3 fire systems only.

(3) Pressure vacuum breakers, spill-resistant vacuum breakers, and atmospheric vacuum breaker are not allowed for premise isolation and will not satisfy the requirements of this ordinance for adequate backflow prevention due in part to the inability to protect against backpressure. (as added by Ord. #445, April 2016)

18-413. Backflow prevention assembly installation requirements. Minimum acceptable criteria for installation of backflow prevention assemblies shall include the following (installation criteria listed in approved plan):

(1) All backflow prevention assemblies shall be installed at minimum in the approved orientation as indicated by the latest approved list.

(2) All new assemblies installed must be on the approved assemblies list maintained by the division of water supply and existing assemblies must have status of approved.

(3) Installation of assemblies shall be performed by person granted authority by the water provider. All backflow prevention assemblies installed fire protection systems must be performed by persons possessing a fire sprinkler contractor license. Evidence of current certifications/license must be on file with the cross-connection control coordinator before any installation or testing of the devices can be performed.

(4) All assemblies shall be installed in accordance with the manufacturer installation instructions and by the State of Tennessee installation guide, from the state manual or policies on cross-connection control, unless such instructions are in conflict with this policy, in which case the ordinance shall control, and shall possess all test cocks and fittings required for testing the assembly. All test cocks will be fitted with adapters and all fittings shall permit direct connection to test kits used by the department.

(5) The entire assembly including test cocks and valves shall be easily accessible for testing and repair and shall meet all confined space requirements of OSHA/TOSHA.

(6) Reduced pressure backflow prevention assemblies shall be located so that the relief valve discharge port is a minimum of twelve inches (12"), plus nominal diameter of the supply line, above the floor surface. The maximum height above the floor surface shall not exceed sixty inches (60").

(7) Clearance of devices from wall surfaces or other obstructions shall be a minimum of six inches (6"); or if a person must enter the enclosure for repair or testing, the minimum distance shall be twenty-four inches (24").

(8) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging substance.

(9) Devices shall be positioned where discharge from a relief port will not create undesirable conditions. An approved air gap shall separate the relief port from any drainage system. Such air-gap shall not be altered without the specific approval of the department.

(10) Devices shall be located in an area free from submergence or flood potential and cannot be placed in a pit.

(11) All devices shall be adequately supported to prevent sagging.

(12) An approved strainer, fitted with a test cock, shall be installed immediately upstream of all backflow prevention assemblies or shut-off valve,

except on fire lines, using only non-corrosive fittings (e.g. brass or bronze) in the device assembly.

(13) Gravity drainage is required on all installations. Below ground installations shall not be permitted for reduced pressure principle assemblies (detectors).

(14) Fire hydrants drains shall not be connected to the sanitary sewer, and fire hydrants shall not be installed in such manner that backsiphonage or backflow through the drain may occur.

(15) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in fire protection system, the discharge of the pump shall be on the downstream side of any check valve or backflow prevention assembly. Where the supply for the jockey pump is taken from the upstream supply side of the check valve or backflow prevention assembly, a backflow prevention assembly of the same type(s) required on the main line shall be installed on the supply line.

(16) Fixed position, high volume fire pumps shall be equipped with suction limiting control to modulate the pump if the residual line pressure reaches twenty (20) psi. If line pressure drops below twenty (20) psi, the pump will shut off to protect the distribution system. This shut off system must be tested annually for proper operation and report of the test must be sent to the office of cross-connection control. (as added by Ord. #445, April 2016)

18-414. Existing backflow prevention assemblies. (1) All presently installed backflow prevention assemblies which were previously acceptable to the State of Tennessee that complies with installation, testing, and maintenance requirements of this ordinance and in the sole discretion of the cross-connection control coordinator or designee adequately protect the public water system from backflow and that were approved assemblies for the purpose described herein at the time of installation may be retained in service.

(2) Location or space requirements shall not be cause for re-location or replacement of any backflow prevention assembly that is presently installed in a vertical run of pipe shall be replaced, reinstalled, in an approved manner in a horizontal run of pipe.

(3) Wherever an existing assembly is moved from the present location, or when the inspector finds that the conditions of the assembly constitutes a health hazard, the unit shall be replaced by the backflow prevention assembly meeting the requirements of this ordinance. (as added by Ord. #445, April 2016)

18-415. Assembly performance evaluations and testing. (1) All assemblies used to protect the public water system must be tested every twelve (12) months. In those instances where the cross-connection coordinator deems the hazard to be great enough (listed in the approved plan), performance evaluation may be required at more frequent intervals.

(2) Any assembly not tested with twelve (12) month period will be deemed not approved and have a status of failed. The customer will be sent notification of that the assembly is not in compliance with this ordinance

(3) All assemblies must be deemed passed for each initial and subsequent annual performance evaluations to satisfy as approved backflow prevention assembly.

(4) All assemblies will be tested by backflow prevention assembly tester possessing a valid (see definition) certificate of competency in testing and evaluation backflow prevention assemblies issued by the State of Tennessee.

(5) All performance evaluation must be performed with an annually certified test kit.

(6) Certifications for test kits are valid for one year after certification is performed. If the test kit is not recertified after one (1) year, it is deemed expired.

(7) Test kits must be certified annually and the backflow prevention assembly tester must show proof of certification from manufacturer-approved entities. No performance evaluations will be accepted from a backflow prevention assembly tester with an expired test kit certification.

(8) Proof of annual test kit certification and certificate of competency must be kept on file for each tester by water provider.

(9) Backflow prevention assembly testers must test and evaluate according to the latest division of water supply's latest approved procedures for reduced pressure principle assembly and the double check valve assembly.

(10) If any test does not meet the minimum requirements set forth in the approved testing procedure, the assembly is deemed failed and does not suffice as an approved backflow prevention device. If conditions around the assembly do not allow the assembly to be tested, the assembly fails the assembly performance evaluation and is marked failed on test report. (Examples would include assembly is submerged, test cocks missing or plugged, relief valve continually discharging).

(11) Backflow prevention assemblies are deemed passed if all parts of the performance evaluation meet the minimum requirements in the approved testing procedure.

(12) Each location requiring an assembly will have a documented backflow prevention assembly, if the assembly at the address cannot be identified or is not the same, the water provider will be notified and a determination of which is assembly is used for protection of the water system. (All areas that need protection will be listed by address and location along with the serial no. of device.)

(13) Test reports must be completely and accurately documented and the appropriate evaluation (passed or failed) determined from testing procedure. Any test report that is not recorded completely in the sections pertinent to the results of the performance evaluation tests will not be accepted by the Town of Ashland City Water Department.

(14) All performance evaluations on file will be recorded on an (state and water system) approved test report.

(15) Assemblies must be tested when installed and after every repair. Backflow prevention assemblies on lawn irrigation systems must be tested when assemblies are placed in service after winterization (to prevent testing just prior to winterization). If lawn irrigation backflow assemblies are taken removed to winterize the system, upon startup of the system, the assemblies must be retested.

(16) Failure to maintain a backflow prevention assembly that is deemed passed shall be grounds for discontinuance of water service. The removal, bypassing, or altering of a protective device or installation, without the approval of the cross-connection control coordinator or designee, thereof so as to render a device 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 this ordinance and the cross-connection control coordinator or designee.

(17) The water system shall require the occupant of the premises to keep the backflow prevention assembly working properly and a status of passed. Repairs shall be made by qualified personnel acceptable to the water system within the time limits set forth by this policy. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention assembly in proper working order and a status of passed shall be grounds for discontinuance of water service.

(18) The backflow prevention assembly must be tested after every repair and have a status of passed to be in compliance with this policy/ordinance.

(19) Cross-connection control coordinator or designee shall have the right to inspect and test any assemblies whenever it is deemed necessary. Water service shall not be disrupted to the assembly without the knowledge of the occupant of the premises.

(20) Those with fire sprinkler license will also be required to have a valid certificate of competency and all other requirements set forth by this ordinance.

(21) Any backflow prevention assembly tester found by the water system to be negligent in performing testing procedures or falsifying documentation in regards to a backflow prevention assembly will not be allowed continued approval to submit test reports. The water system may allow the backflow prevention assembly tester to perform testing at a later date, at the discretion of the cross-connection control coordinator or designee.

(22) All performance evaluations, tests, and repairs shall be at the expense of the customer and shall be performed by backflow prevention assembly testers that satisfy all requirements of this ordinance.

(23) Original records of evaluations and repairs shall be supplied to the cross-connection control coordinator. (as added by Ord. #445, April 2016)

18-416. Conflicting provisions. If any provision of this ordinance is found to conflict with any provision of any other ordinance, then the provision of this ordinance shall control. That should any part, or parts of this ordinance be declared invalid for any reason, no other part, or parts, of this ordinance shall be affected thereby. (as added by Ord. #445, April 2016)

18-417. Responsibility for water system. (1) Notwithstanding any provisions of a plumbing code adopted by units of local government having jurisdiction, the cross-connection control coordinator or designee shall be responsible for protecting the water system from contamination or pollution due to implementation and enforcement of this ordinance. Such authority shall extend beyond service connection to whatever extent is necessary to meet the requirements of this ordinance.

(2) The authority to terminate water service for violation of any provision of this ordinance shall rest solely with the cross-connection control coordinator, the assistant or designee shall have authority to take action to protect public health and safety.

(3) This section shall not be construed to prevent other officers or employees of the Town of Ashland City Water Department from terminating water service for failure to pay for water service, or for violation any other provision of the Town of Ashland City ordinance. (as added by Ord. #445, April 2016)

18-418. Inspection and testing fees. Fees for initial or annual certification of a backflow prevention assembly may be published by the office of the Town of Ashland City Water Department based on the recommendation of the cross-connection control coordinator to reflect the cost of processing such certification.

(1) Fees. (a) All residential devices that are not on a fire protection system will be charged an annual fee of fifteen dollars (\$15.00).

(b) All commercial, non-residential, and industrial devices that are not on a fire protection system will be charged an annual fee of thirty-five dollars (\$35.00).

(c) The customer will be allowed one follow up visit at no charge, any visit thereafter, will have a charge of twenty-five dollars (\$25.00).

(d) All failed tests after the initial failed test will be charged twenty-five dollars (\$25.00).

(e) In cases where the water service has been disconnected due to non-compliance, there will be a fee of seventy-five dollars (\$75.00) to have the water service reinstated. Water service will not be allowed to the establishment until all corrections have been made and all conditions of the policy have been satisfied.

(2) Fines and penalties. (a) Any person who neglects to comply with the terms of this cross-connection control plan shall be charged with a misdemeanor and subject to a fine of up to fifty dollars (\$50.00). Each day of continued violation after conviction shall constitute as a separate offense.

(b) Independent of and in addition to any fines or penalties imposed, the director shall discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection; and service shall not be restored until such has been eliminated.

(3) In the event that a backflow prevention assembly is deemed failed after the initial and annual performance evaluations, or there are deficiencies in the installation either from failure to conform to the installation criteria specified in this ordinance, or from deterioration, then the cross-connection control coordinator or designee shall issue a written notice of failure or deficiency. (as added by Ord. #445, April 2016)

18-419. Thermal expansion control. A device for the control of thermal expansion shall be installed on the customer's water system where the thermal expansion of the water in the system will cause the water pressure to exceed the pressure setting of the pressure relief valve of the water heater. The thermal expansion device shall control the water pressure to prevent the pressure relief valve of the water heater from discharging. (as added by Ord. #445, April 2016)

18-420. Safety standards-duplicate equipment in parallel required. Where the use of water is critical to the continuation 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 a backflow prevention assembly. Until such time as a parallel unit has been installed where the continuance of service is critical, the cross-connection control coordinator or designee shall notify the occupant of the premises, in writing, of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the assembly. (as added by Ord. #445, April 2016)

CHAPTER 5

MOBILE HOMES

SECTION

18-501. Mobile homes used as residences required to have water and sewer connections.

18-502. Permits required for mobile homes used as residences; exceptions.

18-503. Separate water meter required for each mobile home generally; exceptions.

18-504. Chapter not applicable to certain mobile homes.

18-501. Mobile homes used as residences required to have water and sewer connections. The parking, placing, or locating, and the use and occupancy as a place of residence, by any person or persons, within the corporate limits of Ashland City, Tennessee, or the permitting, letting, or making of any lease in connection therewith, of any house trailer or other movable structure of any kind used or to be used as a place of residence, is hereby prohibited and declared to be unlawful unless water and sewerage facilities are available and said utilities are properly connected with such house trailer or other movable structure, with all connection and service charges to be paid by such customers or consumers. (1973 Code, § 8-401)

18-502. Permits required for mobile homes used as residences; exception. Before any person or persons shall park, place, or locate, or use and occupy, any house trailer or other movable structure as a place of residence within the corporate limits, he or they shall first be required to obtain from the city clerk a permit therefor. Provided, that this section shall not apply to any house trailer, or other movable structure used or occupied as a place of residence, located within any duly licensed house trailer court or parking lot. (1973 Code, § 8-402)

18-503. Separate water meter required for each mobile home generally; exceptions. Each and every house trailer, or other movable structure used as a place of residence, shall be deemed and considered as a separate dwelling or place of abode and shall be serviced by a separate water meter except that duly licensed trailer courts or parking lots may operate either by obtaining a single or separate water meter for each trailer or movable residence structure therein, or by one master water meter under the multiple use service provisions of another ordinance of the town. Provided, that any person or persons owning any lot or parcel of land upon which he resides and makes his home within the corporate limits of Ashland City, Tennessee, (or outside corporate limits if on city water line) and having a house trailer or other such movable structure located on said land that is intended to be used, and/or absolutely and solely

may or shall be used as an adjunct, appurtenance, or supplement to the residential building on said land for the accommodation of members of such land owner's family, by affinity or consanguinity, consisting of none others than grandfather, grandmother, father, mother, father-in-law, mother-in-law, child, grandchild, brother, sister, husband, or wife of the land owner, and where none of such relatives pay any rental, emolument, or other service or thing of value for the privileges of so living in said house trailer and/or other such movable structure; then, upon full compliance with the foregoing provisions, said residential land owner shall be entitled to have said trailer and/or such movable structure connected, at the land owner's cost and expense, to a water and/or sewerage line or lines already and at the time serving the land owner's residence, subject to the approval of the superintendent of waterworks and sewerage department, first obtained, with only one water meter being required for said entire water service to said land owner's residence and said trailer and/or such other movable structure that is to be used for residential purposes under the provisions and authority of this chapter.

Provided further, that in the event any rentals, emoluments, or other services or things of value are charged or collected or received by the owner of said land, directly or indirectly, either from a relative as herein designated, or any other person, for the use of such house trailer and/or such other movable structure as described hereinabove, as a place of residence, or if any such house trailer and/or such other movable structure receiving water and/or sewerage service under this chapter should be so used or occupied by any person or persons other than the land owner's relatives within the degrees hereinabove stated then, in either event, all of the rights and privileges herein granted shall immediately cease and terminate, and said water and/or said sewer line or lines serving said house trailer and/or other movable structure shall be immediately cut off and disconnected by the superintendent of the waterworks and sewerage department of the town or any authorized employee of the department.

Provided further, that the superintendent of the waterworks and sewerage department, or any other authorized employee of said department, shall have and is hereby given full, absolute, and unrestricted authority to enter upon the land upon which said land owner's residence and house trailer and/or other movable structure may be located, at any time, for the purpose of inspecting and testing any water and/or sewerage line or lines, making requirements for any changes in said water and/or sewer lines that may be deemed advisable by the town, to ascertain what person or persons may be using and/or occupying such house trailer and/or other such structure, and to cut off and/or disconnect the water line or lines serving any such house trailer and/or other such movable structure; all of which rights and privileges in favor of the Town of Ashland City, Tennessee, are not only expressly reserved and granted herein by this chapter, but all such rights and privileges are expressly agreed and consented to by any land owner who may now or hereafter act under, or be

subject to, all of the provisions of this chapter, and all without notice of any kind being further required.

Provided further, that the words or term "land owner," appearing in this chapter, shall include both the masculine and feminine gender, and that the word or term "land," also appearing herein, shall include a lot or parcel of land of any size or area. (1973 Code, § 8-403)

18-504. Chapter not applicable to certain mobile homes. Where any house trailer used as a place of residence has been parked, placed, or located within the corporate boundaries for a period of more than six months prior to the date that this chapter goes into effect, and where water and sewerage facilities or either of said utilities are not available, this chapter shall not apply. (1973 Code, § 8-404)

CHAPTER 6

STORMWATER MANAGEMENT

SECTION

- 18-601. Introduction.
- 18-602. Stormwater management policy.
- 18-603. Administration.
- 18-604. Permitting procedures.
- 18-605. Flood plain requirements.
- 18-606. Technical guidelines and criteria.
- 18-607. Checklist.
- 18-608. Definitions

18-601. Introduction. (1) Authorization and title. As authorized by ordinance no. 119 and approved by the mayor, the provisions of this document establish the regulations and technical guidelines developed by the Town Engineer and the Director of the Town of Ashland City Department of Public Works (ACDPW) to enforce the terms of that ordinance. This manual shall be cited as the "Town of Ashland City Stormwater Management Manual".

(2) Scope. The provisions of this manual shall replace any previous regulations and shall apply to all surface alteration and construction within the boundary of Town of Ashland City.

(3) Language. (a) Rules. The following rules of construction shall apply to the text of these volumes:

(i) The particular shall control the general.

(ii) In the case of any difference in meaning or implication between the text of these regulations and the text of the ordinances, the text of the ordinance shall control.

(iii) The words "shall" and "should" are always mandatory and not discretionary. The word "may" is permissive.

(iv) The word "permitted" or words "permitted as of right" mean permitted without meeting the requirements of these regulations.

(v) Words used in the present tense include the future tense. The singular includes the plural, unless the context clearly indicates the contrary.

(vi) All public officials, bodies, and agencies to which reference is made are those of the Town of Ashland City, Tennessee, unless otherwise indicated.

(vii) The term "Ashland City" shall mean the area of jurisdiction of the Town of Ashland City.

(viii) Reference to "ordinance" is to ordinance 119 unless otherwise specified.

(b) Definitions. In general, all words used in these regulations shall have their common dictionary definitions. Definitions or certain specific terms as applied to these regulations may be found in section 18-608 of this chapter.

(4) Legal considerations. (a) Caveat. This manual neither replaces the need for professional engineering judgement nor precludes the use of information not presented in the manual. The user assumes full responsibility for determining the appropriateness of applying the information presented herein. Careful consideration should be given to site-specific conditions, project requirements, and engineering experience to ensure that criteria and procedures are properly applied and adapted.

(b) Disclaimer of liability. The degree of flood protection intended to be provided by these regulations is considered reasonable for regulatory purposes, and is based on engineering and scientific methods of study. Larger floods may occur on occasion, or the flood height may be increased by man-made or natural causes, such as bridge openings restricted by debris. These ordinances and regulations do 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. These regulations or ordinances shall not create a liability on the part of, or a cause of action against, the Town of Ashland City or any officer or employee thereof for any flood damages that result from reliance on these regulations or ordinances, or any administrative decision lawfully made thereunder.

(c) Severability. If any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding, shall not affect the validity of the remaining portions of these regulations.

(d) Compatibility. If any provisions of these regulations and any other provisions of law impose overlapping or contradictory requirements, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. These regulations do not relieve the applicant from adhering to provisions of any other applicable codes, ordinances or regulations not explicitly repealed by these regulations.

(e) Saving provision. These regulations do not abate any action now pending under prior existing regulations unless as expressly provided herein. (Ord. #119, Oct 1994)

18-602. Stormwater management policy. (1) Objectives. The objectives of these regulations are:

(a) To protect human life and health.

(b) To minimize expenditure of public money for costly flood control projects.

(c) To minimize the need for rescue and relief efforts associated with flooding.

(d) To help maintain a stable tax base by providing for the sound use and development of the flood-prone areas in such a manner as to maximize beneficial use without increasing flood hazard potential.

(e) To ensure that potential home buyers (and property owners) are notified that property is in flood area and generally increase the public awareness of flooding potential.

(f) To minimize prolonged business interruptions.

(g) To minimize damage to public facilities and utilities such as; water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in flood plains.

(h) To ensure a functional drainage system that will not result in excessive maintenance costs.

(i) To encourage the use of natural and aesthetically pleasing design.

(j) To guide the construction of drainage and flood plain management facilities by performing comprehensive master drainage planning.

(2) Policy statements. To implement the objectives presented above, the following general policy statements shall apply:

(a) The Town of Ashland City Stormwater Management Program is intended to establish guidelines, criteria, and procedures for stormwater management activities within the Town of Ashland City.

(b) If available, each individual project shall be evaluated for consistency with the master stormwater management plan for the major watershed or watersheds within which the project site is located.

(c) In the absence of such a master plan, a system of uniform requirements shall be applied to each individual project site. In general, these uniform requirements will be based on the criterion that post-development stormwater peak runoff and water quality must not differ significantly from pre-development conditions.

(d) No construction, whether by private or public action, shall be performed in such a manner as to materially increase the degree of flooding in its vicinity or in other areas whether by flow restrictions, increased runoff, or by diminishing channel or overbank storage capacity.

(e) New construction may not aggravate upstream or downstream flooding. Existing downstream or upstream problems may be required to be corrected in conjunction with new development.

(f) Unwarranted acceleration of erosion due to various land development activities must be controlled.

(g) An adverse accumulation of eroded soil particles in the major stormwater management system must be avoided.

(h) The minimum diameter for all storm drains shall be 15 inches. Cross-drains shall be a minimum of 18 inches.

(i) Development within flood plain shall be prohibited.

(3) Drainage systems. For the purposes of these regulations, drainage systems are considered to comprise two parts, the major and minor systems. A brief description of these two parts is presented below.

(a) Minor systems. The minor system of a drainage network is sometimes termed the "initial system" and may consist of a variety of drainage appurtenances ranging from inlets, manholes, street gutters, roadside ditches, and swales to small channels or pipes. This system collects the initial stormwater runoff and conveys it to a proper outfall within the major system.

(b) Major systems. The major system primarily consists of natural waterways, large storm sewers, and large water impoundments, but it can also include less obvious drainageways such as overland relief swales and infrequent temporary ponding at storm sewer inlets. The major system includes not only the trunk line drain that receives the water from the minor system, but also the natural flow path that functions in case of overflow from or failure of the minor system. Properly designed overflow relief will not flood or damage homes, businesses, or other property. It must always be remembered that the major system will function whether or not it has been planned and designed, and whether or not development is situated wisely with respect to it.

(4) Stormwater detention. Development with the Town of Ashland City can cause radical changes to the topography, ground cover, and minor drainage systems within each drainage basin. These changes may have adverse effects on the environment, primarily through the subsequent increase in stormwater runoff. In some areas, the combination of increased runoff and the location of property near a stream can result in more frequent flooding. In these areas, upstream control of frequent as well as large flows may not provide adequate flood protection for residents and property downstream.

To minimize adverse effects, onsite detention of stormwater is mandatory for all developments subject to review by the ACDPW. Because detention in downstream areas of a large watershed can cause increased peak flows in downstream channels, the ACDPW reserves the right to alter the detention criteria and to prohibit it where it is not in the best interests of the town. This decision shall be based on sound engineering judgement and/or studies. The ACDPW may also require or allow some type of in-stream mitigation measure in lieu of detention, where it can be shown that such measures are of equal or greater benefit. Nevertheless, in all cases where detention facilities are

required, the location and design must comply with any master drainage plans that may have been adopted.

Although this policy is primarily concerned with maintaining post-development peak outflow at the level of the pre-development condition, it may be applied under certain conditions for the purpose of maintaining adequate capacity of an existing outfall. When used for this purpose, a detention facility may also aid in meeting the requirement for adequate drainage.

(5) Flood plains. {A choice needs to be made as to the level of floodplain development that will be allowed.}

Development of property located within the flood plain must comply with guidelines established in Ordinance No. 119. Wise use of the flood plain is encouraged to minimize adverse effects on flood heights and velocities. Areas of the flood plain available for development must be protected through the use of compacted fill, elevated structures, ditches, or flood walls. Any use of the measures must be in accordance with the requirements in section 18-605 of this chapter. Other floodproofing measures are subject to the approval of the ACDPW.

Development of property located within the flood plain is prohibited.

(6) Erosion and sediment control. Any development shall be conducted in a manner which minimizes soil erosion and resulting sedimentation. Site-specific variables such as topography, soil erodibility, drainage features, and vegetation shall be considered when developing an erosion control plan. The exposed area of any disturbed land shall be limited to the smallest practical area for the shortest possible period of time. (Ord. #119, Oct 1994)

18-603. Administration. (1) Overview. The division of responsibilities for administering stormwater management activities among public agencies is summarized. The requirements for permitting and activities exempted from permit review by the department of public works, the building inspector and the town engineer are delineated both for building and grading. Procedures are established for enforcement of stormwater regulations and inspection of affected sites. Requirements for as-built certifications are also addressed.

(2) Organization. Administration of stormwater management activities is carried out by the department of public works (ACDPW), the town engineer and the planning commission. An applicant may appeal an adverse decision of these agencies to the board of zoning appeals. Specific stormwater management responsibilities of these entities are briefly discussed below.

(a) Town engineer. The town engineer reviews building and grading permit applications referred to it by the building inspector. Applications are reviewed for completeness and for technical compliance with the requirements of these stormwater management regulations and other pertinent laws and ordinances. A recommendation for approval or denial is submitted to the building inspector.

The town engineer also reviews subdivision plats and planned unit development (PUD) plans at the request of the planning commission. In addition, the ACDPW is responsible for enforcement and inspection activities, and for obtaining as-built certifications.

(b) Department of public works (ACDPW). In order to carry out the duties set forth in these regulations, the director of ACDPW has the authority to initiate the following actions:

(i) Authorize designated employees of the ACDPW to act in his behalf in carrying out the duties set forth in ordinance no. 119 and these regulations.

(ii) Establish and amend written regulations and technical guidelines to enforce the terms of ordinance no. 119 (approval of the mayor required).

(iii) Inspect private drainage systems and order corrective actions as necessary to properly maintain drainage systems.

(iv) Prepare or have prepared master plans for drainage basins and such details as may be needed to implement the master plans.

(c) Building inspector. The building inspector receives building and grading permit applications and refers them to the town engineer and the department of public works for approval before issuance. Except for exempted structures (see section 18-603(5)), a building permit cannot be issued until grading, drainage, and erosion control plans are approved by the town engineer and the ACDPW.

The director of the department of public works, with the approval of the mayor, has the authority to establish written regulations and technical guidelines as may be necessary to enforce the terms of ordinance no. 119.

(d) Planning commission. The planning commission is responsible for receiving and referring subdivision plats and PUD plans to the ACDPW. Subdivision plats or PUD plans must be approved prior to applying for building or grading permits.

All preliminary concept plans for PUDs and major subdivisions submitted to the planning commission shall include a statement that no grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the approval of a grading, drainage, and erosion control plan, as appropriate. Depending on the potential impact of the proposed project, the planning commission may require that certain requirements of these regulations be included on the preliminary plan for review by the ACDPW and the town engineer (see section 18-604(2)(b)).

(e) Board of stormwater appeals. If an applicant desires to appeal an adverse decision related to compliance with the stormwater

management regulations, the Ashland City Board of Stormwater Appeals has been established for that purpose.

Appeals for consideration by the board must be filed on a form provided by the ACDPW and will be handled in accordance with variance procedures of section 18-603(6) and the internal operating rules and regulations of the committee.

(3) Permit requirements. Stormwater management activities associated with development projects require either building or grading permits or both. Building and grading permits can be issued separately and at different times in the sequence of a project, or they can be issued jointly. Additional permits may be required by state or federal agencies.

Except for exempted activities (see section 18-603(5)), a building permit cannot be issued until grading, drainage, and erosion control plans are approved by the town engineer and the ACDPW. When grading, stripping, excavating, filling, or any disturbance to the natural ground cover is planned for non-exempted activities not requiring a building permit (see section 18-603(4) for exemptions), then a grading permit is required. Any development activity within a designated flood plain is prohibited unless it is an accepted agricultural land management practice. Even when development is exempt from obtaining a grading permit (see section 18-603(4)) or ACDPW approval for a building permit (see section 18-603(5)), the ACDPW retains the authority to remove such exemption should development be found in violation of exemption criteria.

In addition, none of the following documents shall be issued or granted under applicable zoning regulations or other laws unless and until a grading, drainage, and erosion control plan has been approved by the ACDPW.

- (i) Final approval for a proposed major subdivision.
- (ii) Final approval for a proposed PUD.
- (iii) Building permit.
- (iv) Final approval for a site plan.

Any of the above should be applied for or submitted at the same time as the grading permit application. "Conditional final approval" does not constitute "final approval" under this section.

All grading permit applications shall include a grading, drainage, and erosion control plan prepared by a professional engineer or landscape architect, as appropriate.

(4) Grading permit exemptions. Specific activities that are exempt from obtaining a grading permit are identified in sections 18-603(4)(a) through 18-603(4)(f). These exemptions shall not be construed as exempting the identified activities from onsite drainage improvements that may be required to conform to adopted building and construction codes, or from compliance with flood plain requirements presented in section 18-605 of this chapter.

In addition, the property owner or developer whose activities have been exempted from the requirements for permits and approvals enumerated in this

manual shall nevertheless be responsible for complying with the intent and provisions of these regulations.

(a) Exemption for approved subdivision or PUD grading plans.

No grading permit shall be required for any structure within a major subdivision or PUD for which there exists an approved grading, drainage, and erosion control plan. However, any alteration to the original grading, drainage, and erosion control plan may require submittal of an additional grading, drainage, and erosion control plan.

Any person disturbing the natural ground cover in an area for which there is an approved grading, drainage, and erosion control plan shall conform to the requirements of such plan without exception. In addition, subsequent development activities shall not impair existing drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.

(b) Exemption for finish grading. No grading permit shall be required for finish grading or excavation below finished grade for the following structures:

(i) Basements and footings of a single family or duplex residential structure.

(ii) Retaining walls.

(iii) Swimming pools.

(iv) Human or animal cemeteries.

(v) Accessory structures related to single family residences or duplex structures authorized by a valid building permit, provided the disturbed material or fill is handled in such a manner as to conform to the approved erosion control plan for the area or, where no such erosion control plan is in effect, that such work is done in a manner which presents no significant erosion hazard.

(c) Exemption for excavation or fill. No grading permit shall be required for an excavation or fill that satisfies all of the following criteria:

(i) Is less than five (5) feet in vertical depth at its deepest point as measured from the natural ground.

(ii) Does not result in a total quantity of more than 100 cubic yards of material being removed from, deposited on, or disturbed on any lot, parcel, or subdivision thereof.

(iii) Does not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.

(iv) Has no fill placed on a surface having a slope steeper than five (5) feet horizontal to one (1) foot vertical (steeper slopes can be allowed if justified by calculations for appropriate stabilization measures).

(v) Has no final slopes steeper than one (1) foot vertical to three (3) feet horizontal (steeper slopes can be allowed if justified by calculations for appropriate stabilization measures).

(vi) Has proper vegetative cover re-established as soon as possible on all disturbed areas.

(vii) Does not contain hazardous substances.

(viii) Is not partially or totally in a drainage basin with primary outlet to a sinkhole or drainage well.

(d) Exemption for agricultural practices. No grading permit shall be required for accepted agricultural land management practices such as plowing; cultivation; construction of agricultural structures; nursery operations such as the removal of or transplanting of cultivated sod and trees; tree cuttings at or above existing ground level; and logging operations leaving the stump, ground cover, and root mat intact.

(e) Exemption for maintenance grading. No grading permit shall be required for grading as a maintenance measure, or for landscaping on existing developed lots or parcels, provided all of the following criteria are met:

(i) The aggregate area affected or stripped at any one time does not exceed 10,000 square feet, and is not within a natural drainageway (e.g., designated flood plain).

(ii) The grade change does not exceed eighteen (18) inches at any point and does not alter the direction of the drainage flow path.

(iii) Proper vegetative cover is re-established as soon as possible on all disturbed areas.

(iv) The grading does not involve a quantity of material in excess of 100 cubic yards.

(f) Exemption for public utilities. No grading permit shall be required for installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities. Although exempt, public agencies are required to submit documents to the ACDPW for consistency reviews and to allow coordination with other activities.

(5) Exemptions from ACDPW building permit review. When making building permit application referrals to the ACDPW, the building inspector shall exempt or exclude certain residential, commercial, or industrial activities as identified below.

(a) Residential exemptions. Grading plan exemptions shall be given for single to two family individual residential dwellings in any given area that do not alter a drainage channel and do not alter the landscape by excavation or fill, provided the project meets all of the criteria presented in section 18-603(4)(c) for grading permit exemptions for excavation or fill.

(b) Commercial or industrial exemptions. Grading plan exemptions shall be given for commercial or industrial development provided such development adds less than 10,000 square feet of impervious surface and all of the criteria presented in section 18-603(4)(c) for grading permit exemptions for excavation or fill are met.

(6) Variance procedures. The board of zoning appeals shall hear and decide appeals and requests for variances from the requirements of these regulations. Appeals and requests for variances must be filed with the board and will be handled in accordance with the variance considerations and internal operating rules and regulations of the board. Proper justification is required for specific variances such as lower elevations or compensating storage criteria.

(7) Enforcement. (a) Right of entry. The director of ACDPW, the town engineer, or any of their duly authorized representatives may enter upon the premises of any land within the Town of Ashland City for the purposes of inspecting the site before, during, and after construction to determine compliance with these regulations.

(b) Revocation. The director of ACDPW may revoke any approval or permit issued under the provisions of these regulations when informed of any false statement or misrepresentation of facts in the application or plans on which the permit or approval was based.

(c) Corrective measures. Any non-permitted drainage system or construction or fill located within a flood plain shall, upon written notice from the director of ACDPW, be removed at the property owner's expense.

(d) Stop work order. Upon notice from the director of ACDPW or the building inspector, work being performed on any site within the Town of Ashland City contrary to the provisions of these regulations shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to the person doing the work, and shall state the conditions under which the work may be resumed.

(e) Penalties and injunctions. Any violation of these regulations shall be punishable by a fine of not more than fifty (\$50.00) dollars for each and every violation. Each day that a violation is not corrected shall be a separate offense.

In addition to all other remedies provided by law, the Town of Ashland City shall have the right to injunctive relief for any violation of these regulations.

(8) Inspections. The ACDPW may make or cause to be made the inspections required by this section. Reports by inspectors employed by recognized inspection services may be accepted provided that, after investigation, their qualifications and reliability prove satisfactory. No certificate called for by any provision of these regulations shall be based on such reports unless the same are in writing and certified by a responsible officer of such service.

(a) Permitting. Before the building inspector issues a building permit, the ACDPW may examine or cause to be examined any tract of land for which an application has been received. The ACDPW may also examine or cause to be examined any tract of land for which a grading permit application has been received.

(b) Construction. The ACDPW shall inspect or cause to be inspected at various intervals all construction or grading for which a building permit or grading permit has been issued, and a final inspection or waiver thereof shall be made of the tract of land upon completion.

Upon notification from the permittee or his agent, inspections of the tract of land shall be performed at the following times, as well as such other inspections as may be necessary:

(i) Prior to the initiation of the project.

(ii) After the completion of the rough grading, after installation of drainage structures, and after erosion and sediment control practices have been instituted.

(iii) Upon completion of the project.

The ACDPW shall either approve that portion of the construction or grading as completed or shall notify the permittee or his agent where violations are noted.

Work shall not be done on any part of the tract of land beyond the point indicated in each successive inspection without first obtaining written approval from the ACDPW.

(9) As-built certifications. Prior to the issuance of a use and occupancy permit for any structure in a development (unless exempted by sections 18-603(4) and 18-603(5)), a registered engineer shall submit to the ACDPW a certificate that the drainage system (both public and private) and the public road system is complete and functional in accordance with the plans approved by the ACDPW. To insure the adequacy of detention facilities, this certification shall include as-built drawings showing final topographic features of all these facilities.

Prior to the issuance of a use and occupancy permit for any new or substantially improved structure subject to minimum floor elevation requirements, a registered engineer and/or registered land surveyor shall submit to the ACDPW certification of the elevation (in relation to mean sea level) of the lowest floor (including basement); or if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed. (Ord. #119, Oct 1994)

18-604. Permitting procedures. (1) Overview. The procedure for applying for permits for building or grading and the process by which the ACDPW reviews permits is explained. Responsibilities of the applicant for

posting permits, maintaining compliance with regulations, meeting time limits, and obtaining other required federal and state permits are also discussed.

(2) Application preparation. (a) Preapplication conference. All applicants may schedule a preapplication conference with the ACDPW and/or the town engineer to discuss their proposed project. While not mandatory, a preapplication conference is strongly encouraged to assure timely permit application preparation and review. This conference should be used to determine if a proposed project qualifies for exemption and to determine how technical guidelines and criteria should be applied.

(b) Required information and checklist. Each application for a grading permit or a building permit referred to the ACDPW shall contain site preparation plans sealed by a registered engineer, landscape architect, or land surveyor, as appropriate. Developer shall indicate whether or not the tract will be developed in stages and timing schedules shall be included when appropriate. Site preparation plans shall include grading, drainage, and erosion control plans with appropriate plan and profile sheets for proposed streets or roads.

To assist the applicant to prepare a complete application package and thereby ensure a timely review, an application checklist is provided in section 18-607. The applicant is encouraged to attach a signed copy of the checklist with the application to certify that a complete package is being submitted

Some requirements of the checklist will not be applicable to all projects, depending on the permit being requested. Omission of any required items shall render the plans incomplete, and they shall be returned to the applicant, or his engineer, for additional information.

(c) Grading, drainage, and erosion control plans. The grading, drainage, and erosion control plans shall be of quality suitable for reproduction by microfilm, and shall include as a minimum all of the following:

(i) A complete plan of the proposed development at a scale no less than 1" (one inch) = 100' (one hundred feet). This plan is to include existing and proposed contours at intervals no greater than 2' (two feet) (NGVD to be used exclusively). Contours shall extend to the centerline of all roads bordering the site. Where drainage ultimately enters the groundwater via a sinkhole or drainage well, the drainage area tributary to the sinkhole or drainage well shall be delineated.

(ii) Existing and proposed buildings on the property.

(iii) Existing and proposed impervious surfaces.

(iv) Proposed and existing drainage structures, including inlets, catch basins, junction boxes, drive pipes, culverts, cross drains, headwalls, and outlet facilities, with size, type, slope, invert elevations, and quantity indicated.

(v) Hydrologic and hydraulic calculations for appropriate design conditions and facilities.

(vi) Detention pond control structure details. If the pond is overtopped by the 100-year storm, include the emergency overflow.

(vii) Any proposed swale ditches, channel changes, or improvements, with typical section and length of change indicated.

(viii) Any high water or flood lines, either calculated or observed in the vicinity of the proposed development, and the source of said line or elevation indicated.

(ix) All fill areas indicated as such, with the limits and elevation indicated.

(x) At least one benchmark located, with the proper elevation indicated (NGVD to be used exclusively).

(xi) The location and size of the two drainage structures immediately downstream of the proposed development. This may be shown on a vicinity map with a scale no less than 1" (one inch) = 2000' (two thousand feet).

(xii) Drainage arrows indicating the existing and proposed direction of runoff throughout the plan

(xiii) Invert and top of grate elevations on all catch basins and inlets in addition to flow line elevations, stations, and percent grades of all cross drains and pipe between inlets and catch basins.

(xiv) Flood plain areas require the following information: existing and proposed flood plain and floodway boundaries along with flood plain elevations. Hydraulic calculations should be submitted, as appropriate.

(xv) Temporary erosion and sediment control measures to be implemented during construction (straw bales, silt fence, etc.).

(xvi) Final stabilization measures proposed for all disturbed areas on the property. Areas with slopes 2:1 or greater shall be stabilized with riprap or by other methods approved by the ACDPW. Show stabilization for each ditch.

(xvii) Where special structures such as box culverts, bridges, or junction boxes are proposed, detail plans showing dimensions, reinforcement, spacing, sections, elevations, and other pertinent information shall be submitted.

(xviii) Plans and calculations shall be signed and sealed by a registered engineer, landscape architect, and/or land surveyor, if application is for a grading permit. If application is for a building permit, they shall be signed and sealed by a registered engineer. All plans requiring engineering calculations (e.g., subsurface drainage design) shall be signed and sealed by a registered engineer.

Omission of any of the above requirements for detailed plans and calculations shall render the application incomplete, and it will be returned to the applicant, or his engineer, for additional information.

(d) Street plan and profile sheets. Street plan and profile sheets submitted for subdivisions shall include as a minimum all of the following:

(i) Detail plans plotted on plan and profile sheets to a minimum scale of 1" (one inch) = 100' (one hundred feet) horizontal, and 1" (one inch) = 10' (ten feet) vertical.

(ii) Plan section including the street and right of way plotted to the proper scale with stationing shown, which should match that of the profile section as nearly as possible.

(iii) Where conventional sections are used, the stabilization required for the roadside ditches, including the linear extent and type of stabilization required.

(iv) Typical roadway sections, as appropriate.

(v) Profile section plotted to the same scale as identified above and including the proposed centerline finish grade profile, in addition to the existing centerline profile.

(vi) Existing ground profiles at 25' (twenty-five feet) left and right of centerline, including the centerline, in accordance with Ashland City Subdivision Regulations.

(vii) All vertical control points on or pertaining to the proposed centerline profile such as P.V.C., P.V.I., and P.V.T.; all low points and street intersections as to station and elevation.

(viii) All percent grades and vertical curve data, both balanced and unbalanced.

(ix) Centerline finished grade elevations every 50' (fifty feet) to the nearest hundredth of a foot, at the bottom of the profile sheet.

(x) Plan and profile sheets shall be signed and sealed by a registered engineer.

(e) Sinkhole and drainage well information. Because of the many drainage problems commonly associated with sinkholes and drainage wells, the applicant must provide the following information prior to the alteration of the natural drainage for watersheds discharging to such features:

(i) Proposed onsite and offsite drainage channels that are tributary to a sinkhole throat or drainage well inlet shall be delineated, along with appropriate hydraulic calculations to define the existing and altered (if appropriate) 100-year flood plain and to confirm that offsite flooding will not be increased. Such drainage plans and hydraulic calculations are to be certified by a registered engineer.

(ii) Detailed contours are to be shown for all sinkholes that are to receive stormwater runoff from the site. These contours are to have a maximum interval of 2 feet and are to be verified by field surveys.

(iii) A geologic investigation of all sinkholes receiving stormwater runoff from the site shall be performed. The report from this investigation shall be certified by a registered engineer experienced in geology and groundwater hydrology and shall contain the following:

(A) Location and nature of underground aquifers.

(B) Direction of flow for the subsurface drainage associated with the sinkhole or drainage well.

(C) Estimated safe discharge from sinkhole to aquifers. Include information on method of sinkhole discharge estimation.

(D) Potential for siltation problems.

(E) Foundation problems that may be expected around sinkhole.

(F) Details of drainage structures to be built in sinkholes.

(G) Any other factors relevant to the design of drainage from sinkholes.

(H) Plans showing the current and altered (if appropriate) 100-year flood plain.

(I) Details of plan for grading and clearing of vegetation within the 100-year flood plain established for the sinkhole or drainage well. The regulations prohibiting construction in flood plains shall apply to this flood plain also.

(iv) Compliance with any and all conditions that may be required by the federal government or the State of Tennessee shall be documented. The Tennessee Department of Environment and Conservation Division of Ground Water Protection is the primary regulatory agency for drainage wells. Drainage into a sinkhole may require a permit for a Class V well under rules for Underground Injection Control (UIC).

(v) Demonstration that development will not occur within the area flooded by the 100-year flood. The 100-year elevation may be lowered by construction of a drainage well or detention pond. Calculations that document a lowering of the 100-year flood elevation shall be based on the 100-year, 24-hour storm using an appropriate safety factor for discharge into the sinkhole.

Multiple residential developments must be designed assuming total sinkhole or drainage well blockage. A surface outlet may be provided to prevent stormwater from rising above the 100-year flood elevation. No development will be allowed within the drainage basin of a sinkhole if such development will lead

to any additional increase in flood levels within that or adjacent basins. Special care will be required during construction to prevent eroded soil or debris from being washed into the sinkhole.

(3) Application processing. Applications for grading/building permits are made to the department of public works. Each major component of this review process is briefly described below.

(a) Initial receipt. When referred to ACDPW, permit applications are logged in by date.

(b) Review. The town engineer first conducts a sufficiency review of the permit application to determine if all basic information has been included. A sufficiency review checklist similar to the application checklist presented in section 18-607 will be used for this purpose. Should the permit application be determined to be incomplete, the application will be returned to the applicant along with a written request for any additional information.

When all basic information has been supplied, the town engineer will conduct a technical evaluation of the permit application. This technical evaluation will be based on the technical criteria outlined in section 18-606.

(c) Town engineer recommendation. If in the opinion of the town engineer, the work described in the permit application, including drawings, conforms to the requirements of these regulations and other pertinent laws and ordinances, a grading permit shall be issued and a recommendation for approval shall be given to the building inspector who may then issue a building permit.

However, if in the opinion of the town engineer, the application, including the drawings, describes work that does not conform to the required requirements of these regulations or other pertinent laws or ordinances, the town engineer shall disapprove the application. The denial shall be accompanied by written reasons and returned to the applicant. The opinion of the town engineer shall be based on the results of the sufficiency review and the technical evaluation.

(d) Revisions to approved plans. Should prior to or during construction, changes be anticipated that would constitute a revision of the plans already approved by the town engineer, the approved plans shall be revised and resubmitted in triplicate by a registered engineer, along with a letter stating why such changes are believed necessary. The town engineer reserves the right to waive this requirement or to re-review the entire set of plans in the light of requested changes.

(4) Construction procedures. A person firm, or corporation required to obtain a grading permit from the ACDPW in compliance with these regulations must do so prior to commencing any work pertaining to the permit. Corrective measures including but not limited to stop work orders, penalties,

and injunctions may be taken as required to enforce the terms of this requirement.

(a) Posting of permit. Work requiring a grading permit shall not be commenced until the permit holder or his agent shall have posted the grading permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and be placed to allow easy access for recording entries. The permit card shall remain posted by the permit holder until the certificate of occupancy has been issued by the department of codes administration.

(b) Effect of permit. A grading permit issued pursuant to this section shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of these regulations, nor shall issuance of a permit prevent the ACDPW from thereafter requiring a correction of errors in plans or in construction or of violations of these regulations.

(c) Time limits on permit. Unless the work authorized by a grading permit is commenced within six (6) months after the date the permit was issued, the grading permit shall become invalid and a new permit shall be required. If the work authorized by such permit is not completed in accordance with approved timing schedules, the permit shall be invalid; however, for just and reasonable cause, one or more extensions for periods not exceeding thirty (30) days each may be allowed. Requests for such extensions shall be submitted in writing to the ACDPW. Authorization shall also be in writing.

(5) Federal and state permits. Approval by the Town of Ashland City does not relieve the applicant of responsibility for obtaining any permits required by the U.S. Army Corps of Engineers, Tennessee Division of Water Management, Tennessee Department of Ground Water, Region IV of the U.S. Environmental Protection Agency, or by any other federal or state agencies.

Regulatory programs of the Corps of Engineers and requirements for Department of the Army (DA) permits are summarized below.

Section 10 of the Rivers and Harbors Act of 1899 prohibits the unauthorized obstruction or alteration of any navigable water of the United States unless the work has been previously authorized by a DA permit. The construction of outfalls, drainage outlets, or other structures below ordinary high water of any navigable water will require a DA permit prior to construction.

Section 301 of the Clean Water Act prohibits the discharge of dredged or fill material into waters of the United States unless the work has been previously authorized by a permit pursuant to Section 404 of the same Act. Placement of dredged or fill material below ordinary high water of any water in conjunction with drainage improvements (e.g., channel realignments, concrete slope paving) will require a DA permit prior to construction.

If a permit is required, approximately 60 days would normally be required for permit processing. Depending on the nature and location of the work, it is possible that the work has been previously approved under authority of the nationwide permit and individual processing would not be required.

Details related to permitting requirements can be obtained from the Corps of Engineers. (Ord. #119, Oct 1994)

18-605. Flood plain requirements. (1) Zoning Ordinance. Uses permitted within the flood plain shall be in accordance with Articles 4 and 5 of the Zoning Ordinance of Ashland City, Tennessee and as summarized in sections 18-605(2) and 18-605(3) of this manual. The regulations and controls set forth shall be applied within the areas designated on the zoning map that are made a part of the zoning ordinance and may be viewed upon request at the town hall. However, nothing contained herein shall prohibit the application of the Article 4 regulations to lands that can be demonstrated by competent engineering survey, using the adopted profiles from which the flood protection elevation is derived, to lie within any flood plain. Conversely, any lands that can be demonstrated by competent engineering to lie beyond the flood plain shall not be subject to the Article 4 regulations. Any lands within the areas designated as flood plain on the zoning map or special overlays shall be subject to the regulations on controls pertaining to flood plains as set forth in this manual.

(2) Base flood and floodway data. All applications for proposed projects within areas of special flood hazard shall provide base flood elevations and floodway data to establish flood plain easements. Areas of special flood hazard along with base flood elevation and floodway data for many streams in the county are available from the Flood Insurance Rate Map (FIRM), ACDPW map revision files, and any work to develop master plans for selected watersheds. All proposed developments near streams included in these studies must be designed in accordance with the provisions of these regulations.

If a project is located in an unnumbered A zone, the applicant shall provide base flood elevation and floodway data as documented in a flood plain report when the project is greater than the lesser of 50 lots or 5 acres. In addition, a flood plain report shall be required for areas outside unnumbered A zones, when the stream has a drainage area of one square mile or greater. Approximate methods for flood level determination may be used if prior approval is granted by ACDPW.

The flood plain report shall consist of plan and profile data and water surface elevation calculations. The plan view shall show the flood plain water surface limits, flood plain easement lines, base line, cross section stations, and adjacent boundaries. The profile should show stream invert, cross section stations, and computed water surface elevations. The report should also show the drainage divides on the plan and the ultimate zoning categories used.

Base flood elevation and floodway data submitted by the applicant for areas previously without such data or for areas not studied by FEMA, shall be reviewed by ACDPW and if acceptable, shall be processed for adoption as part of the official flood plain management data for these regulations. When the base flood elevation and floodway data submitted by the applicant results in a deviation from the data developed by FEMA, such deviations shall become official following review and approval by both ACDPW and FEMA. All costs for FEMA review and engineering studies shall be borne by the applicant.

[These are the regulations adopted by Nashville, allowing development in the flood plains]

(3) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(h) On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of these regulations shall meet the requirements of "new construction" as contained in these regulations.

(4) Specific standards. In all areas of special flood hazard where base flood elevation data have been provided, the provisions detailed below are required. It is the intent of ACDPW that all construction, whether within or adjacent to delineated flood plains, shall be subject to the provisions of these regulations. As an example, all residential construction shall be elevated such that the lowest floor is no lower than 4 feet above the base flood elevation. Exceptions to this standard may be granted on appeal to the board of zoning appeals based on a demonstration that the regulatory elevation is so conservative as to place an unreasonable burden upon developers or property owners.

(a) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than 4 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards.

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, at least one foot above the level of the base flood elevation. Structures located in all A zones may be floodproofed in lieu of being elevated, provided that all areas of the structure below the required elevation are watertight, with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered engineer or architect shall certify that these standards are satisfied.

(c) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space. Design shall also allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a registered engineer or architect, or meet the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch shall be provided for every square foot of enclosed area subject to flooding.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

Electrical, plumbing, and other utility connections are prohibited below the base flood elevation. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Floodways. Areas designated as floodways are located within areas of special flood hazard. The floodway is an extremely hazardous area because of the velocity of floodwaters, which can carry debris and potential projectiles and have erosion potential. Thus, the following provisions shall apply:

(i) Encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited unless certification (with supporting technical data) by a registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(ii) If item (i) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of these regulations.

The open space uses listed below shall be permitted within the floodway to the extent that they are not prohibited in a particular area by any base zoning ordinance and all applicable flood hazard reduction provisions of these regulations are met.

(i) Agricultural uses such as general farming, pasture, truck farming, forestry, sod farming, and wild crop harvesting.

(ii) Public and private recreational uses not requiring "permanent or temporary structures" designed for human habitation; some examples are parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game and skeet ranges, and hunting, fishing, and hiking areas. Temporary structures are placed on a site for less than 180 consecutive days and are not intended to be improved property.

(iii) Utility facilities such as flowage areas, transmission lines, pipelines, water monitoring devices, roadways, and bridges.

(e) Flood plain alterations. All flood plain alterations that result in the filling or elimination of flood plain storage shall provide compensating storage capacity by dredging out an equal amount of volume as occupied by fill. All dredged or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Every effort shall be made to preserve natural flow

lines and to avoid situations which would encourage the disposition of sediment in slack, water areas.

All dredged or cut areas shall be stabilized immediately to prevent excessive erosion. Areas to be filled must be cleared of standing trees, stumps, brush, downtimber, and all objects including structures on and above the ground surface. Topsoil shall be removed and stockpiled, while all other spoil materials must be disposed of offsite. Fill material obtained offsite shall not be stockpiled onsite before grading cuts are completed. Fill material shall be placed in compacted layers and the minimum distance from the perimeter of any proposed building to the top of the slope shall be either 25 feet or twice the depth of fill at that point, whichever is greater. The fill material must not have slopes equal to or greater than 2:1 unless stabilization measures approved by the ACDPW are installed. All slopes shall be stabilized.

No alterations can be made to flood plain land and drainage channels without the written approval of the Director of ACDPW. All applicable requirements of and, in addition, the following specific conditions must be met before such approval will be granted:

(i) The construction of a levee, earth fill, building, or other structure that alters a flood plain area shall only be permitted based on a plan prepared by a registered engineer, showing existing and proposed elevations, existing and proposed drainage channels, and existing and proposed structures. The plan shall be approved by the Director of the ACDPW certifying that the alteration and construction as proposed are in compliance with all applicable flood hazard reduction provisions of these regulations.

(ii) The proposed excavation, filling, or change of alignment of any existing channel under the jurisdiction of the U.S. Corps of Engineers shall be approved by same.

(iii) The plan shall be approved by the Metropolitan Planning Commission. Any duly approved alteration of the flood plain shall be so noted on the official zoning map as a matter of information. This notation will be made upon certification by the Director of the ACDPW to the Planning Commission that such alteration has been completed in accordance with the approved plan.

(f) Floodproofing. Floodproofing measures such as those identified below are acceptable provided they are certified by a registered engineer or architect as being consistent with the base flood conditions for the particular area, and that floodproofing criteria for non-residential construction in section 18-605(4)(b) are met.

(i) Anchorage to resist flotation and lateral movement.

(ii) Installation of watertight doors, bulkheads, and shutters.

- (iii) Reinforcement of walls to resist water pressures.
- (iv) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (v) Addition of mass or weight to structures to resist flotation.
- (vi) Installation of pumps to lower water levels in structures.
- (vii) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
- (viii) Building facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
- (ix) Construction to resist rupture or collapse caused by water pressure or flotation debris.
- (x) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

(5) Standards for streams without established base flood elevations and/or floodways. It is the intent of ACDPW that all construction whether within or adjacent to delineated flood plains, shall be subject to the provisions of these regulations. As an example, all residential construction shall be elevated such that the lowest floor is no lower than 4 feet above the base flood elevation. Exceptions to this standard may be granted on appeal to the board of zoning appeals based on a demonstration that the regulatory elevation is so conservative as to place an unreasonable burden upon developers or property owners.

For proposed developments located near small streams but where no base flood data or floodways have been provided or required under the Federal Flood Insurance Program or by section 18-605(2) of these regulations, the following provisions apply:

(a) No encroachments, including fill material and structures, shall be located within a minimum distance of 25 feet from the top of the stream bank on each side or 30 feet from the centerline of a stream channel, whichever is greater, unless certification by a registered engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) New construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated at least four (4) feet above the base flood elevation as determined by an appropriate approximate method.

(c) New construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated at least 2 feet above the highest adjacent grade; or, together with attendant utility and sanitary facilities, be completely

floodproofed to or above that level so that any space below that level is watertight, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(6) Subdivision standards. All subdivision projects shall meet the following provisions:

(a) Design shall be consistent with the need to minimize flood damage.

(b) Public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage.

(c) Drainage facilities shall be provided to reduce exposure to flood hazards.

(d) Base flood elevation and floodway data shall be provided as required in section 18-604(2).

(7) Standards for areas of shallow flooding (AO zones). Designated shallow flooding areas are located within the areas of special flood hazard. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Thus, the following provisions apply:

(a) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to a depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least 2 feet above the highest adjacent grade.

(b) All new construction and substantial improvements of non-residential structures shall:

(i) Have the lowest floor, including basement, elevated to a depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grades. If no depth number is specified, the lowest floor, including basement, shall be elevated at least 2 feet above the highest adjacent grade, or

(ii) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level, so that any space below that level is watertight, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(8) Nonconforming uses. The existing lawful use of a structure or premise that is not in conformity with the flood plain requirements of this manual may be continued subject to the following conditions:

(a) No such use shall be expanded or enlarged except in conformity with the provisions of this manual.

(b) No structural alterations, additions to, or repairs to any nonconforming structure over the life of the structure shall exceed 50 percent of its assessed value at the time of its becoming a nonconforming use unless permanently changed.

(c) If such use is discontinued for 12 consecutive months, any future use of the building and premises shall conform to the provisions of this manual.

(d) Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.

(e) Any alteration, addition to, or repair to any nonconforming structure permitted shall be protected by floodproofing measures pursuant to section 18-605(4)(f).

(9) Dikes and floodwalls. The design of dikes and floodwalls for flood protection purposes should consider several factors, including alternate compensating storage, possible surcharge in flood heights, overtopping, and failure.

Dikes are generally earth embankments that can extend around sections of a building. Fill material used in their construction should be dredged from the flood plain to aid in providing compensating storage. The fill material shall be placed on cleared ground, compacted in layers, and protected from seepage. Buildings shall have a minimum setback from the base of the dike of 20 feet or twice the height of the embankment, whichever is greater.

Floodwalls are preferred for locations with limited space and can be constructed as cantilever I-type steel piles, cellular walls, buttress walls, or gravity walls. They shall be well founded with cutoffs installed to prevent seepage. Areas located behind a dike or floodwall should be drained by conduits installed with automatic flap gates to prevent backflow, or by manually operated valves that are closed during flooding, or by a combination of these methods. (Ord. #119, Oct 1994)

18-606. Technical guidelines and criteria. (1) Adequate drainage. Adequate drainage systems shall have the hydraulic capacity to accommodate the maximum expected stormwater discharge for a specified tributary drainage area and precipitation duration and intensity.

Adequate drainage systems shall be designed to accomplish the following:

- Account for both offsite and onsite stormwater.
- Maintain natural drainage divides.
- Convey stormwater to a stream, channel, natural drainageway, or other existing facility.
- Discharge stormwater into the natural drainageway by connecting the drainageway at natural elevations, or by discharging the

stormwater into an existing facility of sufficient capacity to receive it, or by discharging into an approved drainage well.

Determination of the size and capacity of an adequate drainage system shall take into account the future development in the watershed or affected portions thereof. The design must not adversely affect adjacent or neighboring properties.

It is the responsibility of the developer or property owner to pick up or acceptably handle the runoff as it flows onto his property from the watershed above, and conduct it through his property to an adequate outfall at his lower property line or beyond. The outfall must be sufficient to receive the runoff without deterioration of the downstream drainageway.

(a) Minor systems. The design of the minor storm drainage system shall be based on a storm frequency of 10 years. This criterion shall be applied to both closed conduit and open channel systems. However, if the 10-year design flow for an open channel system is greater than 100 cubic feet per second (cfs), then the open or closed system shall be capable of passing the 100-year design flow within the drainage easement. Systems relying on sinkholes or drainage wells for discharge shall be capable of passing the 100-year design flow within the drainage easement.

In residential subdivision developments where the average lot size is less than 20,000 square feet, the following general guidelines shall be observed in the design of the minor system:

(i) Design surface runoff across lots shall not have erosive velocities.

(ii) Quantities of surface runoff greater than 4 cfs that flow through lots shall be collected and conveyed in a system of open channels, closed conduits, or a combination of both.

(iii) Lots should generally be graded in such a manner that surface runoff does not cross more than three lots before it is collected in a system of open channels, closed conduits, or a combination of both.

(b) Major systems. Wherever possible, natural waterways serving the major system should remain undisturbed, with proposed development situated wisely accordingly. However, due to the insufficient capacity of most natural drains, improvements to the channel may be necessary to properly utilize the adjacent property. Improvements to natural open channels that are to function primarily as the major system shall be designed to pass the 100-year design flow without damage to the channel. Man-made channels designed to function as the major system (trunk line system) shall be capable of carrying a 100-year design flow. Where man-made channels are necessary, the channels should be located as far away from buildings or structures as possible and preferably in established greenbelts.

The onsite major storm drainage system for most developments is the natural backup system and consists of the less obvious drainageways. Ideally, this major system should provide drainage relief such that no building will be flooded with a 100-year design flow even if the minor system capacity is exceeded. The 100-year frequency storm shall be used to compute runoff for the design of the onsite major drainage system. This system shall be designed to provide relief for flow in excess of the 10-year design flow.

The following guidelines pertain to design of the onsite major drainage system:

(i) Areas should be graded in such a manner or buildings located or constructed in such a manner that if the capacity of the minor system is exceeded, no building will be flooded by the design flow.

(ii) Critical areas to consider are sumps, relatively flat areas, and areas where buildings are located below streets or parking lots.

(iii) The 100-year frequency storm shall be used to compute runoff for the major drainage system.

(iv) For the first trial, the same time of concentration values shall be used that were used in designing the minor drainage system and the minor system assumed to be completely inoperable. If no building will be flooded based on these assumptions, then the analysis can be considered complete.

(v) If buildings will be flooded based on the assumptions used in the preceding item, more precise hydrologic and hydraulic computations are required. The minor system, overland relief swales, or surface storage should be designed so that no building will be damaged by flooding.

(vi) In general, the minor storm drainage system should not be oversized as a basis for providing major system capacity. The major drainage system should be in the form of area grading or the location and construction of buildings in such a manner that overland relief swales or surface storage will provide adequate flood protection.

The major drainage system should be evident on the drainage plan, including overland relief swales and areas that may be affected by surface storage for a 100-year design storm. Calculations performed for major system design should be submitted with the drainage plan.

(2) Open channels. (a) Channel capacity. Open channel capacity shall be determined by Manning's equation. Appropriate Manning's n values as presented in Volume 2 shall be utilized for design and are subject to approval from the town engineer.

(b) Lined channels. Open channels may be designed as lined channels. Acceptable lining materials must be placed in accordance with applicable subdivision regulations. Approval of lining materials is subject to review by the town engineer.

Channel lining shall be required when the design velocity exceeds the allowable, non-erosive velocity for a given channel reach and no other erosion control measures provide adequate protection.

(c) Grassed channels. The design of grassed channels shall consider the variable degree of retardance generated by different types of cover.

Temporary erosion control shall be utilized during non-growing seasons and during grass cover establishment. The engineer shall note on the drawings or in the specifications that "All grassed channels must be in a well-stabilized condition and show no sign of erosion at the time of final acceptance by the maintaining authority."

(d) Easement width. All open channels shall be located within the right-of-way of a drainage easement. Minimum easement width shall be determined from Table 6-1.

Table 6-1

MINIMUM EASEMENT WIDTH FOR OPEN CHANNELS

<u>Top Width of Channel</u>	<u>Easement Width</u>
Less than 5 feet	10 feet
5 - 20 feet	10 feet greater than top width of channel, with minimum of 5 feet on one side
Greater than 20 feet	15 feet greater than top width of channel, with minimum of 5 feet on one side

(3) Storm drains. (a) Conduit capacity. Closed conduits shall be designed for the total flow intercepted by the inlets during the design storm event.

(b) Pressure flow. Storm drain systems should generally be designed as non-pressure systems. However, pressure flow systems if coordinated with the ACDPW during the preliminary design phase, may be allowed. The hydraulic gradient for pressure flow systems shall not exceed the following criteria:

(i) An elevation greater than one foot below the established ground surface, or

- (ii) More than five feet above the crown of the conduit.
- (c) Easement width. Minimum allowable easement width for storm drains shall be determined from Table 6-2.

Table 6-2

MINIMUM EASEMENT WIDTH FOR STORM DRAINS

<u>Conduit Size</u>	<u>Easement Width</u>
15 - 18 inches	10 feet
21 - 33 inches	15 feet
36 - 48 inches	20 feet
54 - 72 inches	25 feet

(4) Inlets. Since curb and gutter inlets shall not be used as components of a major drainage system, the 100-year frequency storm shall not be considered.

(5) Culverts. The design flow for culverts shall be based on the following return frequencies:

- (a) 100-year for residential collector and commercial road crossings.
- (b) 10-year for residential roads and crossings.

In addition, building elevations shall be checked for flooding caused by the 100-year, 24-hour storm.

(6) Outlet protection. The design discharge at the outlet of drainage systems shall not result in velocities that equal or exceed the erosive velocity of the receiving channel, unless energy dissipation and erosion protection measures are placed at the outlet. Energy dissipation and erosion control devices shall have no overfall at the terminal end and shall discharge onto a stable section. The terminal section shall be considered stable if the terminal section design velocity is less than the erosive velocity.

(7) Bridges. All bridges with spans of 20 feet or greater shall be designed for the 100-year, 24-hour storm event. The design flow shall consider runoff from the total tributary area and will require stream channel routing, as appropriate.

(8) Stormwater detention/retention. (a) Release rate. The release rate from any detention facility should approximate that of the developed site prior to the proposed development for the 2-year through 10-year storms, with emergency overflow capable of handling the 100-year discharge except where waived or altered by the ACDPW. Adequate alternate drainage must be provided to accommodate major storm flows. Detention systems must be constructed during the first phase of major developments to eliminate damage to adjacent properties during

construction. If siltation has occurred, detention systems must be restored to their design dimensions after construction is complete and certified as part of the as-built submittal (see section 18-603(9)).

(b) Detention volume. The required detention volume shall be that volume necessary to attenuate the post-development peak discharge to a level not to exceed the pre-development peak discharge. This volume may be minimized by careful attention to outlet structure design.

(c) Drawdown. Detention storage volume shall be drained within 72 hours. This requirement includes that volume above permanent pool in retention systems. Drawdown may be accomplished by a small orifice or notched weir. Other methods may be approved subject to ACDPW review.

(d) Maintenance. Care must be taken to ensure that any required detention facilities do not become nuisances or health hazards. Detention facilities should be designed to require minimal maintenance, and maintenance responsibility must be clearly stated on the plans. Where dual purpose facilities are provided, or where flat grades or poorly draining soils encountered, provisions for adequate low flow drainage may be required. Where the retention/detention facility is planned to be used as a lake or pond with a permanent pool, water budget calculations shall be performed to demonstrate that an adequate pool is expected during dry summer months.

All detention facilities located in residential developments, excluding condominium developments and single family PUDs, shall be within storm drainage easements and shall be maintained by the ACDPW. Detention facilities located in industrial, commercial, or institutional developments, apartment developments, and rental townhouses must be maintained by the property owner, and a maintenance agreement must be executed before the development plan is approved.

(9) Sinkholes and drainage wells. All drainage systems discharging to sinkholes or drainage wells shall be designed using the 100-year storm for the critical duration of the watershed tributary to the sinkhole or drainage well. A geologic investigation and report as described in section 18-604(2)(e) is required, along with a demonstration that development will not occur within the area flooded by the 100-year storm and that all state and federal permitting requirements are complied with.

(10) Erosion control plans. An erosion control plan shall identify the erosion control practices and sediment trapping facilities which are appropriate for the site conditions in question. In addition, the appropriate schedule of implementation shall be identified. Particular attention is required for concentrated stormwater flows. Either concentrated stormwater flows shall be avoided or the conveyance system shall be protected sufficiently to prevent significant erosion. Sediment trapping devices are generally required at all

points where stormwater leaves a site laden with sediment. The plan shall identify permanent stormwater conveyance structures, final stabilized conditions of the site, provision for removing temporary control measures, stabilization of the site where temporary measures are removed, and maintenance requirements for any permanent measures.

(a) Stabilization of denuded areas and soil stockpiles.

Permanent or temporary soil stabilization shall be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within 15 days to denuded areas which may not be at final grade, but will remain dormant (undisturbed) for longer than 60 days.

Soil stabilization refers to measures that protect soil from the erosive forces of raindrop impact and flowing water. Applicable practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Selected soil stabilization measures should be appropriate for the time of year, site conditions, and estimated duration of use.

Soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent soil loss.

(b) Establishment of permanent vegetation. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which, in the opinion of the ACDPW, is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.

(c) Protection of adjacent properties. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance; by installing perimeter controls such as sediment barriers, filters or dikes, or sediment basins; or by a combination of such measures.

Vegetated buffer strips may be used alone only where runoff in sheet flow is expected. Buffer strips should be at least 20 feet in width. If at any time it is found that a vegetated buffer strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls shall be provided.

(d) Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment onsite shall be constructed as a first step in grading, and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched within 15 days of installation.

(e) Sediment basins. Stormwater runoff from drainage areas with 5 acres or greater disturbed area shall pass through a sediment basin or other suitable sediment trapping facility.

(f) Cut and fill slopes. Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. As a minimum, all slopes at 2 to 1 or greater shall be stabilized with rock riprap, or other method approved by the town engineer.

(g) Construction exits. A stabilized stone pad shall be placed at any point where traffic will be leaving a construction site to a public right-of-way, street, alley, sidewalk, or parking lot. Stone pads shall contain ASTM-1 stone, six (6) inches thick and be a minimum of one-hundred (100) feet long. (Ord. #119, Oct. 1994)

18-607. Checklist.

- (1) Property map and parcel number (obtain from tax assessors office). _____
- (2) Three (3) copies of grading, drainage, and erosion control plans as described in section 18-604(2)(c). _____
- (3) Three (3) copies of street plan and profile sheets as described in section 18-604(2)(d). _____
- (4) Three (3) copies of sinkhole and drainage well information, if applicable to the site conditions (see section 18-604(2)(e)). _____
- (5) All plans and calculations submitted shall be signed and sealed by a registered engineer or landscape architect, if application is for a grading permit. If application is for a building permit, they shall be signed and sealed by a registered engineer. (Ord. #119, Oct. 1994) _____

18-608. Definitions. The following definitions shall apply in the interpretation and enforcement of the provisions of these regulations in addition to those terms defined in the ordinance, unless specifically stated otherwise:

"Addition (to an existing building)" - Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common

load-bearing wall other than a fire wall. All walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" - A request for a review of the ACDPW's or the town engineer's interpretation of any provision of these regulations or a request for a variance.

"Area of shallow flooding" - A designated AO Zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" - The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

"Base flood" - The flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" - That portion of a building having its floor subgrade (below ground level) on all sides.

"Building" - Any structure built for support, shelter, or enclosure for any occupancy or storage.

"Building permit" - Permit required under the Ashland City Building Code.

"Certification" - Written verification received by the Director of the ACDPW from a registered engineer that all work performed was done in compliance with any approvals or permits previously granted.

"Channel" - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

"Critical area" - A site subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and other conditions.

"Cut" - Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

"Detention" - The temporary delay of storm runoff prior to discharge into receiving waters.

"Developer" - Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land for himself or others.

"Development" - 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 permanent storage of materials.

"Drainage basin" - A part of the surface of the earth that is occupied by and provides surface water runoff into a drainage system, which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

"Drainage well" - A bored, drilled, driven, dug, or naturally occurring shaft or hole with a depth greater than the largest surface dimension; used to drain surface fluid, primarily storm runoff, into a subsurface formation.

"Elevated building" - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Erosion" - The disintegration or wearing away of soil by the action of water.

"Excavation" - See cut.

"Existing grade" - The slope or elevation of existing ground surface prior to cutting or filling.

"Fill" - Portion of land surface or area to which soil, rock, or other materials have been or will be added; height above original ground surface after the material has been or will be added.

"Finished grade" - The final slope or elevation of the ground surface, after cutting or filling.

"Flood or flooding" - Water from a river, stream, watercourse, lake, or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels and/or increased groundwater level.

"Flood Insurance Rate Map (FIRM)" - An official map for the Town of Ashland City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town of Ashland City.

"Flood insurance study" - The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Flood plain" - The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For administrative purposes, the flood plain is defined as the area that would be inundated by high water at the flood profile from which the flood protection elevation is established.

"Floodway" - That portion of the stream channel and adjacent flood plain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the flood plain so that a 100-year flood discharge can be conveyed through the flood plain without materially increasing (less than one foot) the water surface elevation at any point and without producing hazardous velocities or conditions. This is the area of significant depths and velocities and due consideration should be given to effects of fill, loss of cross sectional flow area, and resulting increased water surface elevations.

"Floodway fringe" - That portion of the flood plain lying outside the floodway. This is the area of the flood plain that may be developed or encroached upon as long as the water surface elevation of the 100-year flood is not increased by more than one foot at any point. Compensating storage is required when fill is placed in this area.

"Floor" - The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" - A facility that cannot be used for its intended purpose unless it is located or carried out in proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or fish processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Grading" - Any operation or occurrence by which the existing site elevations are changed; or where any ground cover, natural, or man-made, is removed; or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall apply to the land in its cut or filled condition.

"Grading permit" - A permit issued to authorize excavation or fill to be performed under the provisions of this manual.

"Impervious surface" - A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

"Lowest floor" - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage and in an area other than the basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the non-elevation design requirements of these regulations.

"ACDPW" - Town of Ashland City Department of Public Works.

"Major drainage system" - Storm drainage system that carries the runoff from a 100-year frequency storm. Although damage may occur, runoff will be carried by the major system whether or not it has been planned and designed, and whether or not improvements are situated wisely in respect to it.

The major system usually includes features such as streets, gulches, and major drainage channels. Storm sewer systems may reduce the flow in many parts of the major system by storing and transporting water underground. Good planning and designing of a major system should eliminate major damage and loss of life from storms having a one percent chance of occurring in any given year.

"Manufactured home" - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Minor drainage system" - Storm drainage system that is frequently used for collecting, transporting, and disposing of snowmelt, miscellaneous minor flows, and storm runoff up to the capacity of the system. The capacity should be equal

to the maximum rate of runoff to be expected from the initial design storm, which has statistical frequency of occurrence of once in ten years.

The minor system is sometimes termed the "convenience system," "initial system," or the "storm sewer system", and may include features ranging from curbs and gutters to storm sewer pipes and open drainageways.

"National Geodetic Vertical Datum (NGVD)" - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the flood plain.

"Natural ground surface" - The ground surface in its original state before any grading, excavating, or filling.

"New construction" - Structures for which the "start of construction" commenced on or after the effective date of these regulations.

"One hundred-year flood" - One that has an average frequency of occurrence of once in one hundred (100) years, determined from an analysis of floods on a particular watercourse and other watercourses in the same general region. Statistically, it has a one percent chance of occurring in any given year.

"Permittee" - Any person, firm, or any other legal entity to whom a grading or building permit is issued in accordance with these regulations.

"Planning commission" - Town of Ashland City Municipal Planning Commission.

"PUD" - Planned unit development, as defined in the Town of Ashland City Zoning Ordinance.

"Registered engineer" - An engineer duly registered or otherwise authorized by the State of Tennessee to practice in the field of civil engineering.

"Registered architect" - An architect duly registered or otherwise authorized by the State of Tennessee to practice in the field of building architecture.

"Registered landscape architect" - A landscape architect duly registered or otherwise authorized by the State of Tennessee to practice in the field of landscape architecture.

"Registered land surveyor" - A land surveyor duly registered or otherwise authorized by the State of Tennessee to practice in the field of land surveying.

"Registered grading" - Any grading performed with the approval of and in accordance with criteria established by the ACDPW.

"Retention" - The prevention of storm runoff from direct discharge into receiving waters. Examples include systems which discharge through percolation, exfiltration, filtered bleed-down and evaporation processes.

"Sediment" - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

"Site" - A contiguous land and bodies of water in one ownership, graded or proposed for grading or development as a unit, although not necessarily at one time.

"Slope" - Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

"Soil" - All unconsolidated mineral and organic material of any origin that overlies bedrock and that can be readily excavated.

"Soil engineer" - A professional engineer who is qualified by education and experience to practice applied soil mechanics and foundation engineering.

"Start of construction" - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

"Stripping" - Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

"Structure" - Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Such construction includes but

is not limited to objects such as buildings, towers, smokestacks, overhead transmission lines, carports, and walls.

"Structure, permanent" - A structure that is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

"Structure, temporary" - A structure that is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

"Substantial improvement" - Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

"SWCD" - Cheatham County Soil and Water Conservation District.

"Temporary protection" - Short-term stabilization of erosive or sediment-producing areas.

"Variance" - A grant of relief from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

"Vegetative protection" - Stabilization of erosive or sediment producing areas by covering the soil with any of the following materials:

- (1) Permanent seeding for long-term vegetative cover
- (2) Short-term seeding for temporary vegetative cover
- (3) Sodding, producing areas covered with a turf of perennial sod-forming grass
- (4) Tree planting
- (5) Other planting

"Water budget" - A chronological accounting of water volume changes (including infiltration, exfiltration, evaporation, diversion, inflow, and outflows) to and from a point of storage such as an aquifer, retention pond, or other natural or man-made water system.

"Watercourse" - A channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm runoff and floodwater flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

"Zoning permit" - Permit required under the Town of Ashland City Zoning Ordinance. (Ord. #119, Oct. 1994)

CHAPTER 7

ANIMAL AND VEGETABLE FATS, OILS AND
GREASE, AND SOIL/SAND AND LINT TRAPS AND INTERCEPTORS

SECTION

- 18-701. Fat, Oil, and Grease (FOG), waste food, and sand interceptors.
- 18-702. Definitions.
- 18-703. Fat, oil, grease, and food waste.
- 18-704. Sand, soil, and oil interceptors.
- 18-705. Laundries.
- 18-706. Control equipment.
- 18-707. Grease trap and interceptor maintenance.
- 18-708. Solvents prohibited.
- 18-709. Enforcement and penalties.
- 18-710. Alteration of control methods.
- 18-711. Customer's responsibility.

18-701. Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the director of public works, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single-family residences, but may be required on multiple-family residences. Grease interceptors are required for all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge waste. All interceptors shall be of a type and capacity approved by the public works director, and shall be located as to be readily and easily accessible for cleaning and inspection. (as added by Ord. #388, Nov. 2011)

18-702. Definitions. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

- (1) "Customer." A company or individual who is a user of the sanitary sewer system.
- (2) "FOG." An abbreviation for fat, oil and grease.
- (3) "Grease." A material composed primarily of fats, oil, and grease from animal or vegetable sources.
- (4) "Grease interceptor." A large tank or device constructed as to separate and trap or hold grease from the sewage discharged from a facility in order to keep grease from entering the sanitary sewer system. An interceptor whose rated flow is fifty (50) g.p.m. or less and is typically located inside the building.

(5) "Grease trap." An interceptor whose rated flow exceeds fifty (50) g.p.m. and is located outside the building.

(6) "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. (as added by Ord. #388, Nov. 2011)

18-703. Fat, oil, grease, and food waste. (1) Construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(2) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the director of public works determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.

(3) Implementation of plan. After approval of the FOG plan by the director of public works the sewer user must implement the plan within sixty (60) days; 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 director of public works, the user continues to impact the collection system and treatment plant, additional pretreatment measures may be required. The director of public works may at any time inspect the equipment to ensure that there is no adverse impact on the sewer collection system and treatment facility. (as added by Ord. #388, Nov. 2011)

18-704. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the director of public works 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. (as added by Ord. #388, Nov. 2011)

18-705. 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. (as added by Ord. #388, Nov. 2011)

18-706. Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil must be designed in accordance with plumbing code and Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. All grease traps and/or other interceptors shall be of a size which is consistent with the city's sizing formula which is hereby made as an exhibit to this chapter.¹ All systems shall have a poly lock filter. 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, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the city. These costs shall be added to the customer's regular water and sewer bill. The applicable rules of water and sewer billing shall apply. Nothing in this section 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 the control equipment and to enter upon customer's properties at any time and without prior notification for the purpose of inspection, observation measurement, sampling, testing or record review. (as added by Ord. #388, Nov. 2011)

18-707. Grease trap and interceptor maintenance. (1) Cleaning and pumping. The user at the user's expense shall maintain all grease traps and interceptors. Maintenance of "under the sink" grease shall include the removal of all fats, oil, and grease from the detention compartment of the trap. Removal is usually accomplished by hand dipping or scooping the collected grease from the trap. Maintenance of grease interceptors shall include the complete removal of all contents, including floating material, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited.

(2) Cleaning/pumping frequency. "Under the sink" grease traps must be cleaned no less than weekly. If grease traps are more than fifty percent (50%) full when cleaned weekly, the frequency shall be increased. Grease interceptors must be pumped out completely a minimum of once every three (3) months, or

¹Included at the end of this chapter as Appendix A.

more frequently as needed to prevent carry over of grease in the sanitary sewer collection system, unless it can be demonstrated to the public works director that the pumping frequency can be demonstrated past the three (3) month period.

(3) Disposal of grease interceptor waste. All grease removed from each grease interceptor must be disposed of at a facility approved by the public works director to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the sanitary sewer collection system.

(4) Additives. Any additive(s) placed in the grease interceptor or building discharge line system on a constant, regular, or scheduled basis shall be reported to the public works director. Such additives shall include, but not be limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease. The use of additives shall in no way be considered as a substitution to the maintenance procedures required herein.

(5) Chemical treatment. Chemical treatments such as drain cleaners, acid and other chemicals designed to dissolve or remove grease shall not be allowed to enter the grease interceptor.

(6) Manifest. All pumpage from grease interceptors must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain a copy of the original manifest from the hauler. The original manifest with the original signatures must be left at the disposal facility. The customer is required to utilize only Ashland City Water and Sewer Department authorized haulers for the disposal of grease.

(7) Maintenance log. A grease interceptor cleaning record maintenance log indicating each pumping for the previous twenty-four (24) months shall be maintained by each customer. The log must include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made immediately available to the Ashland City Water and Sewer Department representative upon request. (as added by Ord. #388, Nov. 2011)

18-708. Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. (as added by Ord. #388, Nov. 2011)

18-709. Enforcement and penalties. Any person who violates this chapter shall be guilty of a civil violation punishable under and according to the general penalty provision of the city's municipal code of ordinances. Each day's violation of this chapter shall be considered a separate offense. The customer may be assessed an administrative penalty of not to exceed one thousand dollars (\$1,000.00) per violation per day. (as added by Ord. #388, Nov. 2011)

18-710. Alteration of control methods. The city through the director of public works reserves the right to request additional control measures if measures taken are shown to be insufficient to protect sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand/soil, or lint. (as added by Ord. #388, Nov. 2011)

18-711. Customer's responsibility. The customer is responsible for assuring that the produced waste is disposed of in accordance with all federal, state and local disposal regulations. (as added by Ord. #388, Nov. 2011)

APPENDIX A
MINIMUM STANDARDS

These designs represent "minimum standards" for normal usage. Installations with heavier usage require more stringent measures for which the owner/user is responsible, and shall bear the costs. The owner/user is responsible to provide relevant usage information to the Public Works Director and Plans Review.

Precast Concrete Interceptors

The minimum volume of a precast concrete interceptor shall be 740 gallons. The minimum depth of the liquid capacity shall be 42". The maximum volume is subject to availability. Individual tanks larger than 2000 gallons are to be pre-approved by the Public Works Director when the required effective capacity of the grease interceptor is greater than the capacity of available acceptable interceptors, installation of grease interceptors in series shall be required.

Specific intentions of the sizing formula and design requirements are:

- to provide a minimum of 2 hours retention for grease saturated high temperatures waste water. Significant separation of suspended grease can occur if adequate retention time is provided to allow signification calming and cooling of the waste water.
- to provide adequate holding capacity for estimated accumulated greases between cleanings: normally 1 month (plus 2 weeks buffer).

Pre-cast concrete grease interceptors shall be sized in accordance with the following formula:

Restaurants:

$(S) \times (GS) \times (HR \text{ divided by } 12) \times (LF) = \text{Effective capacity of grease interceptor in gallons.}$

S = Number of seats in dining area

GS = Gallons of waste water per seat (use 20 gallons for ordinary restaurant, use 10 gallons for single service article restaurants)

HR = Number hours restaurant is open

LF = Loading factor (use 1.25 interstate highway, use 1.00 other freeways, 1.00 recreational area, 0.08 main highway and 0.50 other highways)

Other Establishments with Commercial Kitchens:

$(M) \times (GM) \times (LF) =$ effective capacity of grease interceptor in gallons.

M = Meals prepared per day

GM = Gallons of waste water per meal (use 5 gallons)

LF = Loading factor (use 1.00 with dishwashing machine and 0.50 without dishwashing machine)

ADDENDUM TO FATS, OIL, & GREASE MANAGEMENT PLAN

Grease interceptors are required for Customers that meet any of the following criteria:

- new construction
- remodels, additions, alterations or repairs valued at or greater than \$20,000
- has caused or contributed to a grease related collection system blockage resulting in maintenance requirements and/or a sewage spill

All new grease interceptors shall be designed, constructed and installed in accordance with specifications of the Ashland City Water and Sewer Department, and have a sampling access point located downstream of the interceptor.

Each grease interceptor shall have an effluent filter installed on the outlet side of the tank. The filter size will be determined by the Public Works Department Pretreatment Coordinator based upon a 12-month consumption history for existing FHF's and projected flow forecasts for new facilities. Each grease interceptor shall be maintained

- by removing the entire contents of the interceptor each time the interceptor is pumped.
- To ensure proper operation, maintenance and performance
- At a minimum pumping frequency of once per three-month period, or more frequently to ensure that the facility discharge does not cause or contribute to grease related collection system blockage resulting in maintenance requirements and or a sewage spill.
- Through pumping by the Ashland City Water and Sewer Department approved food handling waste grease hauler.

The food-handling establishment shall retain maintenance records with the following information for each grease removal devise located on the

premises. The records shall be kept a minimum of three years and provided to the Ashland City Water and Sewer Department upon request.

- Date of service
- Volume pumped (gallon)
- Name of Public Works Director
- Approved waste grease disposal location

The food service establishment shall notify Public Works Director-Department of Environmental Compliance at (615) 441-5406 of any

- Sale, lease, or transfer of the operation for which the permit was issued
- Change of facility name
- Changes to grease removal device(s)
- Remodel, addition, alterations or repairs valued at or greater than \$5,000.00

Access to the facility shall be granted to WADC personnel to conduct wastewater compliance inspections and to collect wastewater discharge samples.

WADC will conduct random, unannounced inspections to verify compliance with the terms and conditions of the Fats, Oils, Grease Management Plan, and/or of the Food Handling Wastewater Discharge permit.

WADC will pursue enforcement and penalties in accordance with the WADC Fats, Oil, and Grease Enforcement Response Plan.

ASHLAND CITY WATER AND SEWER

Inspection Date: _____

Inspected by: _____

FATS, OILS, GREASE CONTROL INSPECTION FORM

Business Name: _____ Bus. Phone: _____

Contact Person: _____ Title: _____

Contact's Cell Phone: _____ Contact's Email: _____

Business Address: _____ Billing Address: _____

City: _____ Street/P.O. Box: _____

State: _____ City/State: _____

Zip: _____ Zip: _____

Year Established: _____ Seating Capacity: _____

+++++

Grease INTERCEPTOR ____ Yes ____ No (If No, proceed to next section.)

Number of Manhole Access? ____

Interceptor size (gals) ____ 750 ____ 1000 ____ 1500 ____ 2000 ____ other

Estimated Grease Layer (inches): ____ Effluent T Visable? ____ yes ____ no

Effluent T Attached & In Good Condition? ____ yes ____ no ____ unknown

Effluent Filter Attached & In Good Condition? ____ yes ____ no ____ unknown

Waste Grease Hauler Used? _____ Frequency Interceptor Cleaned: _____

Records of Maintenance/Cleaning Available? ____ yes ____ no

Date Last Cleaned: _____

Additional Comment(s): _____

+++++

Grease TRAP? ___ Yes ___ No (If No, proceed to next section.)

Frequency Trapped Cleaned: _____

Trap Location: ___ Under Sink Trap ___ Floor Trap ___ Outside Floor Trap ___

Grease Trap Flow-Through Rating/Grease Capacity:

_____ 5 gpm/10 lb _____ 10 gpm/20 lb _____ 15 gpm/30 lb

_____ 20 gpm/40 lb _____ 35 gpm/70 lb _____ other

Records of Maintenance/Cleaning Available? ___ yes ___ no

Date Last Cleaned: _____

Additional Comment(s): _____

+++++

Grease Recycling Bin? ___ yes ___ no Recycling Grease Hauler: _____

Cleanout Covers Missing or Damaged? _____ Yes _____ no

FOG Impact at Dumpster or Around Recycling Bin? (if yes, give explanation below.) ___ yes ___ no

Additional Comment(s): _____

+++++

Is there a specifically designed water meter for the facility ____ Yes ____ No

If yes, provide account number: _____

If no, provide description below of the arrangement for the supply of water.

TITLE 19

ELECTRICITY AND GAS¹

CHAPTER

1. GAS.

CHAPTER 1

GAS

SECTION

19-101. To be furnished by Piedmont Natural Gas Company.

19-101. To be furnished by Piedmont Natural Gas Company. Gas service shall be provided to the Town of Ashland City and its inhabitants by the Piedmont Natural Gas Company. The rights, powers, duties, and obligations of the Town of Ashland City and its inhabitants, are stated in the agreements between the parties.² (as amended by Ord. #440, Dec. 2015)

¹Municipal code reference

Requirements for underground utility facilities: title 14, chapter 4.

²The agreements are of record in the office of the city clerk.

TITLE 20

MISCELLANEOUS

1. SIGN ORDINANCE.
2. FAIR HOUSING ORDINANCE.

CHAPTER 1

SIGN ORDINANCE

SECTION

- 20-101. Purpose, scope.
- 20-102. Definitions.
- 20-103. General provisions.
- 20-104. Permitted signs in residential districts.
- 20-105. Permitted signs in commercial and industrial districts.
- 20-106. Temporary sign provisions.
- 20-107. Nonconforming and noncomplying sign provisions.
- 20-108. Administration.
- 20-109. Legal status provisions.

20-101. Purpose, scope. (1) Legislative purpose. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signage is adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (a) Protect the right to the use of signs for the identification of activities and any related products, services and events and for non-commercial messages;
- (b) Protect the right of individuals to privacy and freedom from nuisances;
- (c) Protect the value of property and improvements thereon;
- (d) Permit signs that are appropriate to their surroundings;
- (e) Assure that signs are constructed and maintained in a safe condition;
- (f) Encourage design that enhances the readability and effectiveness of signs;
- (g) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (h) Reduce traffic hazards;
- (i) Eliminate obsolete signs; and
- (j) Provide an efficient and effective means of administration and enforcement.

(2) Scope. Except for signs permitted in all districts in section 20-103(4) herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings including interior window signs and all exterior signs except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

This chapter shall not apply to any property that is residential and in no way restricts signs on residential property, except for prohibited signs in all districts. These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of this chapter. (Ord. #180, April 1998)

20-102. Definitions. For the purpose of this chapter the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

"Appeals board." The duly appointed board authorized by the city council to hear and act upon appeal of a decision of the enforcement officer or any request for a variance from any provision of this sign ordinance.

"Building face or wall." All window and wall area of a building in one place or elevation.

"Candlepower." The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower.

"City." When used herein shall mean the Town of Ashland City, Tennessee.

"Commercial complex." A building or group of buildings located upon a lot used or designated to be used for two or more occupancies.

"Copy." The wording or graphics on a sign surface.

"Copy area." The smallest area within a contiguous single perimeter composed of one or more circles, triangles and/or rectangles that enclose the extreme limits of the actual copy of the sign.

"Display surface area." The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color, or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

"District." A zoning district as defined and established by the Ashland City Zoning Ordinance.

"Enforcing officer." The chief enforcing officer or official appointed to enforce the terms of this chapter.

"Establishment." A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

"Facade." The entire building wall, including the main street wall face, parapet, facis, windows, doors, canopy and roof on any complete elevation.

"Footcandle." A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

"Height (of sign)." The vertical distance measured from the surrounding grade to the highest point of a sign.

"Item of information." The name of a business, service, product, or individual.

"Lambert." The cgs unit of brightness of a perfectly diffusing surface that radiates or reflects light at a rate of one lumen per square centimeter.

"Major street or thoroughfare." Any street shown as such on the official major thoroughfare plan.

"Major street or thoroughfare plan." A plan for future streets and street rights-of-way adopted by the Ashland City Planning Commission.

"Noncomplying (sign)." Any sign which does not comply with (1) or more standards or regulations in this chapter, as of the effective date of this chapter.¹

"Nonconforming (sign)." Any sign which is not permitted within the district in which is located, as of the effective date of this chapter.¹

"Occupancy or premises site." Any principal or accessory use of or activity occurring upon the subject premises (zone lot).

"Right-of-way." The proposed right-of-way as indicated on the official major street or thoroughfare land, or as set forth by plat or plan for existing streets not planned for widening. Also defined as the line where the property meets the public street or public roadway provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

"Sign." Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant but excluding any governmental flag); inflatable devices; or any other figure of similar character, which:

- (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (2) is used to announce, direct attention to, or advertise; and
- (3) is visible from outside a building.

"Sign, abandoned." Any sign in which the function of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

¹These provisions were taken from Ordinance No. 180 which passed second reading April 14, 1998.

"Sign, accessory." Any sign that directs attention to a person, activity, or commodity on the same zone lot.

"Sign, advertising (billboards)." A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign, provided the establishment offering the product is not associated with the brand or trade name of the product being advertising.

"Sign, animated." A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

"Sign, area." The area or square footage enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cut-outs" or extensions, but shall not include any supporting structure or bracing.

"Sign, back to back." A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically continuous.

"Sign, balloon." Any inflatable, non-stationary, animated type of advertising sign.

"Sign, banner." A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

"Sign, building mounted." Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

"Sign, business." A type of accessory sign that identifies or provides related information about commercial and manufacturing activity types.

"Sign, changeable copy." A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

"Sign, civic." A type of accessory sign that identifies or provides related information about community facility activity types. More specifically such signs shall include:

- (1) a sign, permanently erected or permitted in the public right-of-way or private property by the Town of Ashland City, Cheatham County, State of Tennessee, or other government agency to denote the name of any thoroughfare; the route to any city, town, village, educational institution, public building, historical place, shrine or hospital; to direct and regulate traffic; and to denote

any railroad crossing, bridge, or other transportation or transmission company for the direction of safety of the public.

(2) an on-premise temporary sign which contains information regarding the time and place for regular meetings of civic or religious groups.

"Sign, development." A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

"Sign, direct illumination." All illuminated signs not included in the definition of "sign," "luminous background" or "sign," indirect illumination.

"Sign, directional." Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed four (4) square feet in size nor forty eight (48) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

"Sign directory." A sign which lists the names of individuals, businesses, or products available at a single site.

"Sign, dilapidated." Any sign which is structurally unsound, has defective parts, or is in need of painting, or other maintenance.

"Sign, double-faced." A sign with two (2) faces which are usually but not necessarily parallel.

"Sign, electrical." A self-illuminated sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

"Sign, expressive." Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs.

"Sign, festoon." A wreath of paper, flowers, leaves, strings of fringe or flags, etc., hanging in a loop or curve, or any carved or molded decoration resembling this, as hung or strung on poles, street furniture, buildings, or any object.

"Sign, flashing." Any lighted or electrical sign which emits light in sudden transitory bursts.

"Sign, face." The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

"Sign, ground." A sign permanently affixed to the ground by a foundation pedestal or other structure, such foundation, pedestal, or other structure being greater than three (3) feet in width or twelve (12) inches in diameter and not

attached to any building. For the purposes of this chapter monument signs shall be considered as constituting ground signs.

"Sign, handtacked." A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

"Sign, height." The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction exclusive of any filling, mounting and/or berming which occurs directly due to the construction of the sign.

"Sign, illuminated." A sign designed to give forth any artificial light or reflect such light from an artificial source.

"Sign, incidental." An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than (4) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger," "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs, and expressive signs.

"Sign, indirect illumination." Any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

"Sign, inflatable." A sign that is either expanded to its full dimensions, or supported by gasses contained within the sign, or sign parts, at pressure greater than atmospheric pressure.

"Sign, large residential." A type of accessory sign larger than three (3) square feet that indicated the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned unit development that contains more than twelve (12) dwelling units.

"Sign, luminous background." A sign created by trans-illuminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaque.

"Sign, monument." (See definition of sign, ground).

"Sign, moving message board." Any electrical sign having a continuous message flow across its face by utilization of lights, or other electrical impulses forming various words or designs, such as time and temperature.

"Sign, neon wall sign." Any use of neon or gas tubular lighting on the exterior building facade or canopy for the purpose of providing a wall sign for the business and/or to outline the exterior of the building or structure so as to draw visual attention to the business.

"Sign, off-premises." Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For the purpose of this chapter, easements and other appurtenances shall be considered to be inside such platted parcel of land. Signs identifying public service, religious or civic club organizations not to exceed four (4) square feet as approved by the enforcing officer (sign) are exceptions to this definition.

"Sign, off site industrial." An off-site sign no larger than six (6) square feet located only in an industrial zoning district, which draws attention to an adjacent industrial use or activity. Only one (1) such sign shall be displayed for any given industrial activity.

"Sign, on-premises." Any sign located or proposed to be located at any place, if otherwise permitted by this chapter, within the plat of record for the business or other activity identified on such sign.

"Sign, pennant." Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

"Sign, permanent." Any sign which is fixed and stable. Portable signs, handtacked signs and other types of temporary signs such as festoons, balloons, banners and inflatable signs shall not be considered as permanent signs.

"Sign, pole." A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

"Sign, political." A sign erected by a political candidate, group, or agent thereof, for the purpose of advertising a candidate regarding an issue on which there will be a public vote.

"Sign, portable." Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

"Signs, projecting." Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

"Sign, public service." A type of sign which is noncommercial that provides community service information or identification and includes church directional signs and civic club symbol or identification signs.

"Sign, realty." A type of incidental sign that temporarily provides information regarding the sale, lease, or rent of the premises or any improvements thereon which is no larger than six (6) square feet.

"Sign, roof." Any sign attached to or mounted on any surface defined as a roof.

"Sign, structure." A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

"Sign, temporary." Any sign that has a specific limitation in the amount of time that it can be displayed.

"Sign, vehicle." A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

"Sign, wall." A type of building mounted sign (1) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (2) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (3) in which the sign face is parallel to the plan of the surface to which it is attached.

"Street banner." A banner sign crossing a public way or street with the purpose of promoting a special festival, celebration, or holiday.

"Tent." A collapsible shelter of canvas or other material stretched and sustained by poles, usually made fast by ropes attached to pegs hammered into the ground.

"Travelway." That portion of a public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage.

"Zone lot." A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance. (Ord. #180, April 1998)

20-103. General provisions. The following requirements apply to all signs in all districts.

(1) General standards. (a) No sign except for those specified in section 20-103(4) shall be erected until a permit has been obtained in accordance with section 20-108 of this chapter.

(b) No sign shall resemble or approximate the size, shape, form, and/or color of any official traffic control sign, signal, or device.

(c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.

(d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines seventy-five (75) feet from the point of the intersection. Traffic control signs may be an exception to this standard.

(e) No sign shall be erected or maintained within any public street right-of-way except traffic control and governmental directions signs.

(f) No sign shall be painted on or attached to any trees, rocks, fence post, utility poles, or similar structures or objects.

(g) No sign shall obstruct any doorway, passage, or fire escape.

(h) The light from any illuminated sign shall be so directed, shaded, or shielded so that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Lights shall not be obtrusive and interfere with a residential structure.

(I) All signs shall be maintained in good condition at all times. Signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. The owner shall be given thirty (30) days written notice to comply with this chapter. Should the owner and/or property occupant fail to comply within the prescribed period, the continued use of such sign shall be a violation of this chapter.

(j) Signs shall conform to all national state, and local electrical codes. All required permits shall be obtained.

(2) Calculation of display surface area. (a) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.

(b) On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.

(c) On signs that do not have a district background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

(d) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

(e) In any district which permits advertising signs, the computation of display surface area shall include both advertising and accessory signs.

(f) On a corner lot, a permitted sign may be located along each street frontage according to the rules as cited within this chapter.

(3) Height of signs. The following general rules shall apply in the determination of the height of signs.

(a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports, or the base of any sign directly attached to the ground.

(b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(4) Signs permitted in all districts. The following signs are permitted in all districts and do not require a permit except as specifically noted.

(a) Official federal, state, and local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty, provided such sign does not exceed four (4) square feet per face;

(b) Temporary signs warning of construction, excavation, or similar hazards, so long as the hazard may exist;

(c) Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday;

(d) Commemorative or historical plaques and tablets. Such signs shall be authorized by the enforcing officer, and shall not exceed nine (9) square feet per face and six (6) feet in height;

(e) The official flag of a government, governmental agency, public institution, religious corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays. Flags may also be used as a part of a professionally designed and permanently maintained and landscaped entrance or design feature of a residential or commercial development, provided that the number of flags shall not exceed three (3). Flags mounted on poles shall meet the height and size requirements of the district in which they are located.

(f) Incidental signs subject to the following restrictions:

(I) Political signs shall be removed no later than fifteen (15) calendar days after the election;

(ii) Yard or garage sale signs shall be removed within two (2) calendar days after the sale, and shall not be erected longer than five (5) calendar days;

(iii) Expressive signs shall be removed within (15) calendar days after an election, campaign, or event;

(g) Directional signs not exceeding six (6) square feet per face;

(h) Works of art that do not include any commercial messages, symbols, or references;

(I) No trespassing, no hunting, no fishing, no loitering, and like signs not exceeding one (1) square foot in area;

(j) Residential or commercial real estate signs not exceeding six (6) square feet per face, and two faces.

(5) Signs prohibited in all districts. The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

(a) Any sign is abandoned, deteriorated, or unsafe. An abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of the violation;

(b) Signs which are made structurally sound by guy wires or unsightly bracing;

(c) Signs which contain any kind of strobe or pulsating lights;

(d) Animated signs;

(e) Banner signs, festoons, and tents except as specifically permitted in section 20-106;

(f) Any sign with direct illumination provided by exposed bulbs or lamps;

(g) Flashing signs;

(h) Portable signs;

(I) Roof signs;

(j) Inflatable signs or tethered balloons of all shapes and types;

(k) No signs advertising goods and products not being sold on the occupancy site or property (see definition of occupancy), with the exception of advertising signs (billboards), and off-site industrial signs as defined herein; and

(l) Pole signs when utilized as permanent signs. (Ord. #180, April 1998)

20-104. Permitted signs in residential districts. Within the residential districts as delineated by the Ashland City Zoning Ordinance, permanent accessory signs are permitted subject to the provisions as set forth herein.

(1) Large residential signs. (a) Large residential signs may be permitted at the main entrances to a subdivision or to a planned unit or multi-family development containing twelve (12) or more dwelling units subject to the approval of the planning commission.

(b) One (1) sign may be permitted, on either side of the entrance, if such sign is on private property. If there is a median in the entrance street, such sign may be located in the median.

(c) All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.

(d) A large residential sign shall not exceed twenty-five (25) square feet in size.

(e) The maximum height of such sign shall be four (4) feet when constructed as a ground sign. A ground sign which is integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

(f) Any large residential sign and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.

(g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure. (Ord. #180, April 1998)

20-105. Permitted signs in commercial and industrial districts.

(1) Signs other than advertising signs (billboards). With the commercial and industrial districts, as delineated by the Ashland City Zoning Ordinance, the total amount of on-premises signage (display surface area) allowable on any zone lot shall be calculated based on a ratio of one (1) square foot of signage per two (2) linear feet of street frontage not to exceed eighty (80) square feet of signage, subject to the following provisions:

(a) Projecting signs are permitted subject to the following standards:

(I) A use may be permitted to have one (1) projecting sign attached to the front of the building.

(ii) Such sign shall not exceed thirty (30) square feet in display surface area.

(iii) Such sign shall not project into the public right-of-way and in no case shall such sign be closer than five (5) feet from the curb or edge of pavement of the travelway, or no less than fifteen (15) feet from the right-of-way, whichever is more restrictive.

(iv) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.

(v) Such sign shall clear the established grade by a minimum of ten (10) feet.

(vi) Such sign shall be no closer than thirty (30) feet to any other projecting sign.

(b) Wall signs are permitted subject to the following standards:

(I) The display surface area of such sign shall not exceed ten (10) percent of the square footage of the wall to which it is attached, and occupy more than forty (40) square feet of said surface area.

(ii) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall considered to be the front of the use shall be used for location of such signage.

(iii) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.

(iv) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between top of the window below and the sill of the window above.

(v) Such sign shall not cover or interrupt major architectural features of the building.

(vi) If a use utilizes both wall and projecting signs, the total, combined display surface area for each type of sign shall not exceed forty (40) square feet.

(c) Ground signs are permitted subject to the following standards:

(I) One (1) ground sign is permitted for each zone lot.

(ii) Such sign shall have maximum display surface area of forty (40) square feet.

(iii) Any ground sign shall be set back from the right-of-way a minimum of fifteen (15) feet and any monument sign shall be set back from the right-of-way a minimum of fifteen (15) feet.

(d) Development signs are permitted subject to the following standards:

(I) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the enforcing officer, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be a ground sign.

(ii) A development sign shall not exceed forty eight (48) square feet in size or eight (8) feet in height.

(iii) A development sign shall not be lighted.

(iv) Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

(e) The following provisions and standards shall apply to commercial complexes.

(I) A commercial complex may be permitted one (1) ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of

two hundred-fifty (250) feet in length, one (1) additional sign shall be permitted. The maximum size of each such sign shall be a ratio of $\frac{1}{2}$ to 1 square footage of sign area to the length of the street frontage, or the front facade of the building, whichever is greater, with a maximum aggregate sign area of one hundred fifty (150) square feet. No single type of sign shall exceed fifty (50) square feet in size. Four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

(ii) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows, or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall and may be apportioned for multiple occupants, with each occupant being entitled to an equal share of the display surface area. Signs attached to the inside of windows and intended to be viewed from the exterior of the building shall cover no more than twenty-five (25) percent of such window.

(iii) In lieu of a ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1) above with each occupant being entitled to one (1) directory panel.

(iv) A commercial complex may also be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance and both shall be on private property. If there is a median, a sign may be located in the median. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped and privately maintained. No sign shall exceed twenty-five (25) square feet in size nor seven (7) feet in height.

(f) Signs may be illuminated subject to the following standards:

(I) Exposed bulbs are prohibited, with the exception of neon lights meeting the illumination requirements as cited hereunder.

- (ii) No sign shall change color or intensity.
- (iii) The brightness and surface illumination shall not exceed:

Luminous background - 150 foot lamberts

Indirect illumination - 50 foot candles

- (iv) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line or any lot that is zoned residential.

(v) The light from any illuminated sign shall be shaded, shielded, or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not be obtrusive nor interfere with a residential structure.

(g) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional (supplemental) provisions shall apply:

(I) Each such use shall be permitted:

(A) One (1) permanent price sign per zone lot. Such sign shall be affixed to or made part of the permitted sign and shall not exceed twenty (20) square feet in size. Such sign shall be setback from the right-of-way a minimum of fifteen (15) feet.

(B) Two (2) non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street. Also, a "pump topper" sign no larger than eighty (80) square inches per sign shall be allowed on each pump.

(h) This section shall be applicable only to movie houses or theaters. The following additional (supplemental) provisions shall apply:

(I) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building, and be located no closer than five (5) feet from the edge of curb or edge of pavement. See section 20-105(1)(b) for applicable developmental standards.

(ii) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of thirty (30) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).

(2) Advertising signs (billboards). No new billboard or off-site sign can be located within the corporate limits of Ashland City. Billboards existing at the time this chapter is passed are considered non-conforming, non-complying and are "grandfathered in." See section 20-107. Such "grandfathered" signs must be kept in good repair and may not be moved or altered in such a way as to enlarge or heighten them. (Ord. #180, April 1998)

20-106. Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(1) General requirement. (a) A permit shall be required for all temporary signs.

(b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building.

(c) One (1) temporary sign may be permitted for each three hundred (300) feet of street frontage on a public street.

(d) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.

(e) No temporary sign shall be displayed on a roof.

(f) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner or festoon announcing a fair, festival, parade, Christmas festivities, or similar activity that will be open to the general public.

(g) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to four (4) items of information.

(h) Tents, but only when fireworks may legally be sold within the city limits. These are subject to all provisions related to fireworks within the city code.

(j)¹ Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has either a plot (site) plan, or preliminary master plan approval. See section 20-105(1)(d) for applicable design standards.

(2) Duration of temporary signs. (a) Display of temporary signs shall be limited as follows:

(I) Construction signs permitted in section 20-106(1)(g) shall be removed upon completion of the project.

(ii) Signs for special events open to the general public shall be limited to thirty (30) days.

¹Ordinance No. 180 (April 1998) from which this chapter was taken, did not have a subsection (I) at this point.

(iii) Signs for special sales or business promotions shall be limited to fifteen (15) days.

(iv) Display of all temporary signs on a lot or parcel except for those in section 20-106(2)(a)(I) shall be limited to a maximum of sixty (60) days per calendar year.

(v) Temporary development signs shall be limited to the period of time that the project is under development, as limited by the Zoning Ordinance, Subdivision Regulations, and/or Standard Building Code.

(3) Display surface area, height, and illumination. (a) Maximum display surface area shall be thirty (30) square feet except for street banners which shall not be limited.

(b) Maximum height shall be twelve (12) feet, except that banners displayed over a public street shall have a minimum clearance of fifteen (15) feet. This shall also apply to festoons and lights during the Christmas season.

(c) Temporary signs shall not be illuminated except in commercial or industrial districts, with the exception of the Christmas season.

(d) The maximum display surface area for a temporary development sign shall be forty eight (48) square feet.

(4) Location of temporary signs. (a) No temporary sign shall be located closer than fifteen (15) feet from a public right-of-way.

(b) The minimum distance between any two (2) such signs on the same zone lot shall be one hundred fifty (150) feet.

(c) No temporary signs shall be closer than fifty (50) feet from any permanent sign. (Ord. #180, April 1998)

20-107. Nonconforming and noncomplying sign provisions. Any sign lawfully existing at the time of the enactment of this chapter but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, except those described below, and shall be removed only when the enforcing officer utilizing certain appropriate sections of the Standard Building Code, the City Code of Ashland City and/or various provisions of this chapter deem such signs as being dilapidated and constituting a definite health hazard to the public, however, that any advertising sign located within 660 feet of a federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law. Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) calendar days, and nonconforming flashing or animated signs shall be caused

to stop flashing or animation within forty-five (45) calendar days from the passage of this chapter.

(1) Alterations to nonconforming and noncomplying signs. A nonconforming or noncomplying sign may be altered subject to the following conditions.

(a) That the degree of nonconformance or noncompliance is not increased as apply to on-premises signs. Such alterations are limited to the changing of a copy of permitted changeable copy sign, or the painting or refinishing of the surface of sign face or sign structure so as to maintain an adequate appearance. The alteration of advertising signs which are nonconforming or noncomplying must adhere to all the requirements cited in section 20-105(2). In all cases, the business owner shall obtain a sign permit in accordance with the terms of this chapter.

(b) If any nonconforming sign is removed as per the requirements cited in section 20-107 above or for any other reason, it shall not be allowed to be replaced.

(c) If any noncomplying sign is removed, it can only be reconstructed if it is brought into compliance with all applicable yard, setback, size, and height requirements as stipulated within this chapter.

(2) Removal of nonconforming and noncomplying signs. Nonconforming and noncomplying signs shall be removed under the following circumstances:

(a) Whenever a land use changes (as defined in Ashland City's Zoning Ordinance), any previously nonconforming/noncomplying sign must be modified so as to be in full compliance with these regulations; and

(b) Whenever any modifications (i.e. relocation, increase in area, and sign type as defined in this section) are made to previously nonconforming/noncomplying sign, other than normal maintenance and painting, the sign must be modified so as to be in full compliance with these regulations. (Ord. #180, April 1998, as amended by Ord. #391 Dec. 2004)

20-108. Administration. (1) Sign permitted application. (a) An application for a sign permit must be filed at city hall at the enforcing officers office.

(b) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a signage plan for the lot which shall include all signs, existing and proposed.

(c) For any lot on which the owner proposes to erect any sign requiring a permit. Signage plan shall be submitted containing the following:

(I) An accurate plot plan of the lot;

- (ii) Location of all buildings on the lot;
- (iii) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
- (iv) Standards for consistency among all signs and proportions;

(d) The signage plan may contain such other restrictions as the owner of the lot may determine which are in conformity with the provisions of this chapter and shall be signed by all owners of the property.

(e) A signage plan may be amended by filing a new plan with the enforcing officer which conforms to all requirements of the chapter.

(f) After approval of a signage plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this chapter and the provisions of any sign plan, this chapter shall control.

(g) An application for a sign permit shall contain the following:

(I) Name, address, and phone number of the property owner;

(ii) Name of persons or firms, as well as city business license number thereof erecting the sign and all structures;

(iii) Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.

(iv) The approximate value of the sign to be installed including the installation cost.

(h) The permit fee shall be as established by resolution of the city council. Said fee may cover all signs included on the plan or may apply to any sign being changed. See section 20-108(7) of this chapter for the penalties associated with a failure to obtain a sign permit.

(I) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

(2) Exceptions. The following signs shall be exempt from the payment of fees:

(a) Incidental signs, with the exception that a cash bond or escrow must be filed with the enforcing officer to ensure that such signs will be removed promptly as mandated in section 20-103(4)(f) of this chapter.

(b) Official federal, state, and local government signs.

(c) Commemorative or historical plaques.

(3) Appeals. Any person aggrieved by any action of the enforcing officer in denying or issuing a sign permit as herein described may, within thirty

(30) calendar days, appeal for a variance or other relief in writing to the board of sign appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said board on the appeal. The board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the board deems advisable and in keeping with state law.

(4) Creation of the board of sign appeals. There is hereby created a board of sign appeals. Said board shall consist of five (5) members appointed by the mayor for a term of three (3) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two (2) year term and two (2) members a three (3) year term. The board shall elect a chairman from its members.

The city shall provide a secretary to keep all records of the board.

(5) Powers and duties of the board. The board of sign appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer.

(b) To hear and decide requests for variances from the provisions of this chapter according to the criteria cited within section 20-107(6) herein.

(6) Standards for appeal decisions. Before granting any relief from the application of the provisions of this, the board shall make specific findings of fact justifying the case under appeal.

(a) For a finding of error, the board shall state the section of the ordinance that is being appealed and how the enforcing officer erred in the application of the ordinance requirements.

(b) For an action granting a variance, the board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(I) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.

(ii) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.

(iii) The hardship has not been created by any person having an interest in the property.

(iv) Financial returns only shall not be considered as a basis for granting the variance.

(v) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this chapter.

(vi) The variance does not confer a special privilege to the applicant that is denied to others.

(c) Under no circumstances shall the board grant a variance to allow a sign which is not permitted by this chapter.

(d) The board may impose such conditions and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this chapter.

(7) Violations and penalties. Any person, firm, or corporation violating any provisions of this chapter shall be guilty of a city ordinance violation, and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars. Each day that a violation continues shall be considered a separate offense and an additional violation. If within seven (7) calendar days, the owner of a sign fails to contact the enforcing officer in order to bring said sign into compliance with this chapter, or to obtain a permit for said sign, the enforcing officer is herein empowered to have the sign removed and impounded without any further notice.

(8) Impoundment of signs. The enforcing officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features, or signs otherwise prohibited within this chapter, and to impound them for a period of fifteen (15) calendar days. The owner of a sign impounded may recover same upon the payment of fifty (\$50) dollars for each sign, prior to the expiration of fifteen (15) calendar days. Once a sign is impounded, the enforcing officer shall notify the owner of said sign of this situation by register mail or by personal service.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein. (Ord. #180, April 1998)

20-109. Legal status provisions. (1) Exercise of police power. This entire chapter shall be deemed and construed to be an exercise of the police power of the Town of Ashland City, Tennessee, adopted under the authority of section 6-19-10, Tennessee Code Annotated for the preservation and protection of the public's health, safety, morals, and general welfare and pursuant to all other powers and authorities for the aforesaid purposes and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(2) Severability. If any section, clause, provision, or portion of this chapter is held to be invalid or unconstitutional by any court or competent

jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Conflict with other ordinance. In case of conflict between this chapter or any part hereof, and the whole or part of any existing or future ordinance of the city, the most restrictive provisions shall in all cases apply.

(4) Interpretation. Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter. (Ord. #180, April 1998)

CHAPTER 2

FAIR HOUSING ORDINANCE

SECTION

- 20-201. Policy.
- 20-202. Definitions.
- 20-203. Unlawful practice.
- 20-204. Discrimination in the sale or rental of housing.
- 20-205. Discrimination in the financing of housing.
- 20-206. Discrimination in the provision of brokerage services.
- 20-207. Exemption.
- 20-208. Administration.
- 20-209. Education and conciliation.
- 20-210. Enforcement.
- 20-211. Investigations, subpoenas; giving of evidence.
- 20-212. Enforcement by private persons.

20-201. Policy. It is the policy of the Town of Ashland City to provide, within constitutional limitations, for fair housing throughout the community. (as added by Ord. #416, Feb. 2014)

20-202. Definitions. (1) "Discriminatory housing practice" means an act that is unlawful under §§ 20-204, 20-205 or 20-206.

(2) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(3) "Family" includes a single individual.

(4) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(5) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (as added by Ord. #416, Feb. 2014)

20-203. Unlawful practice. Subject to the provisions of subsection (2) and § 20-207, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-204 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-204 shall apply to: Any single-family house sold or rented by an owner: provided that such private individual owner does not own

more than three (3) such single-family houses at any one (1) time: provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period: provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time: provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented

(a) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(b) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-204(3) of this ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or two (2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He/she has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He/she has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He/she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (as added by Ord. #416, Feb. 2014)

20-204. Discrimination in the sale or rental of housing. As made applicable by § 20-203 and except as exempted by sections 20-203(2) and 20-207, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or disability.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or disability.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or disability, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or disability that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status or disability.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (as added by Ord. #416, Feb. 2014)

20-205. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: provided, that nothing contained in

this section shall impair the scope or effectiveness of the exception contained in § 20-203(2). (as added by Ord. #416, Feb. 2014)

20-206. Discrimination in the provision of brokerage services It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or disability. (as added by Ord. #416, Feb. 2014)

20-207. Exemption. Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or disability. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (as added by Ord. #416, Feb. 2014)

20-208. Administration. (1) The authority and responsibility for administering this Act shall be in the mayor of community.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the community or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The mayor shall be rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the mayor to further such purposes. (as added by Ord. #416, Feb. 2014)

20-209. Education and conciliation. Immediately after the enactment of this ordinance, the mayor shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them

with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement. (as added by Ord. #416, Feb. 2014)

20-210. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he/she will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor or the Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the mayor or the Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the mayor or the Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3), the mayor or the Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor or the Tennessee Human Rights Commission decides to resolve the complaints, he/she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the mayor or the Tennessee Human Rights Commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor or the Tennessee Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty (30) days after a complaint is filed with the mayor or the Tennessee Human Rights Commission, the mayor or the Tennessee Human Rights Commission has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor or the Tennessee Human Rights Commission will assist in this filing.

(4) If the mayor or the Tennessee Human Rights Commission has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the mayor or the Tennessee Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (as added by Ord. #416, Feb. 2016)

20-211. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the mayor or the Tennessee Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: provided, however, that the mayor or the Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor or the Tennessee Human Rights Commission may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The mayor or the Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the mayor or the Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor or the Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the mayor or the Tennessee Human Rights Commission himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the mayor or the Tennessee Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees

payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five (5) days after service of a subpoena upon any person, such person may petition the mayor or the Tennessee Human Rights Commission to revoke or modify the subpoena. The mayor or Tennessee Human Rights Commission shall grant the petition if he/she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor, Tennessee Human Rights Commission or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor or the Tennessee Human Rights Commission shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the mayor or Tennessee Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the mayor or the Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(7) The Town of Ashland City or Tennessee Human Right Commission attorney shall conduct all litigation in which the mayor or the Tennessee Human Rights Commission participates as a party or as amicus pursuant to this ordinance. (as added by Ord. #416, Feb. 2014)

20-212. Enforcement by private persons. (1) The rights granted by §§ 20-203, 20-204, 20-205 and 20-206, may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: provided, however, that the court shall continue such civil case brought to this section or § 20-210(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he/she is or has been, or in order to intimidate such person or any other pers on or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or disability, in any of the activities, services, organizations or facilities; or

(b) Affording another person or class of persons opportunity or protection so to participate.

(3) Any citizen because he/she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, national origin, familial status or disability, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned not more than one (1) year, or both; and, if bodily injury results, shall be fined not more than ten thousand dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (as added by Ord. #416, Feb. 2014)

PLAN OF OPERATION FOR THE OCCUPATIONAL
SAFETY AND HEALTH PROGRAM FOR THE
EMPLOYEES OF ASHLAND CITY, TENNESSEE

(as replaced by Ord. #395, Aug. 2012)

APPENDIX A

**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY
AND HEALTH PROGRAM PLAN FOR THE EMPLOYEES
OF ASHLAND CITY, TENNESSEE**

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the Town of Ashland City.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Town of Ashland City in electing to update and maintain an effective occupational safety and health program for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- a. "COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT" means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. "EMPLOYER" means the Town of Ashland City and includes each administrative department, board, commission, division, or other agency of the Town of Ashland City.
- c. "DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH" or "DIRECTOR" means the person designated by the establishing Ordinance, or executive order, to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the Town of Ashland City.
- d. "INSPECTOR(S)" means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. "APPOINTING AUTHORITY" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. "EMPLOYEE" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. "PERSON" means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. "STANDARD" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

- i. "IMMINENT DANGER" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. "ESTABLISHMENT" or "WORKSITE" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. "SERIOUS INJURY" or "HARM" means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.
- l. "ACT" OR "TOSH Act" shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. "GOVERNING BODY" means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. "CHIEF EXECUTIVE OFFICER" means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

- c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

IV. EMPLOYEES' RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.
 2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
 4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
 5. The Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.

1. The administrative or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.
2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.

2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective program for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.
- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix I to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing

stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Director and/or Compliance Inspector(s):
 - 1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
 - 2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and

informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including Managers and Supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury (such as falls, electrocution, crushing injuries (e.g., trench cave-ins), and being struck by material or equipment).
2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. "Confined or enclosed space" means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use

of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

- iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
 - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
- i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately

- ascertain whether there is a reasonable basis for the allegation.
2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.
 - b. Refusal to Abate.
 1. Any refusal to abate an imminent danger situation shall be reported to the Director and/or Chief Executive Officer immediately.
 2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to

this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:

1. Issue an abatement order to the head of the worksite.
 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
1. The standard, rule, or regulation which was found to be violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand.
 2. Written reprimand.
 3. Suspension for three(3) or more working days.
 4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, **DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08**, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tennessee Code Annotated, § 50-3-409 can file a complaint with their agency or Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation. (as added by Ord. #401, April 2013)

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed. (as renumbered by Ord. #401, April 2013)

Signature: Director, Occupational Safety and Health

Date

APPENDIX I - ORGANIZATIONAL CHART

Recorder Dept. / City Hall- 7 Employees
101 Court St.
Ashland City, TN 37015
615-792-4211

Court Dept - 5 Employees
101 Court St.
Ashland City, TN 37015
615-792-4211

Codes Dept. - 2 Employees
233 Tennessee Waltz Pkwy.
Suite 103
Ashland City, TN 37015
615-792-6455

Police Dept. - 16 Employees
233 Tennessee Waltz Pkwy.
Suite 101
Ashland City, TN 37015
615-792-6455

Parks Dept. - 3 Employees
233 Tennessee Waltz Pkwy.
Suite 103
Ashland City, TN 37015
615-792-2655

Senior Center - 3 Employees
104 Ruth Dr.
Ashland City, TN 37015
615-792-3629

Public Works
(Street, Water & Sewer) - 13 Employees
233 Tennessee Waltz Pkwy.
Suite 103
Ashland City, TN 37015
615-792-5618

Change 11, April 12, 2016

APP-A-19

Water Plant - 4 Employees
108 Adkisson St.
Ashland City, TN 37015
615-792-5750

Sewer Plant - 2 Employees
199 Rhea St.
Ashland City, TN 37015
615-792-3074

Fire Dept. - 10 Employees
101 Court St.
Ashland City, TN 37015
615-792-4211

Fire Dept. (Station #2) - 1 Employee
200 Little Marrowbone Rd.
Ashland City, TN 37015
615-792-4211

TOTAL NUMBER OF EMPLOYEES: 66

{Once each work location has been listed, record the total number of employees that the city employs.}

APPENDIX II - EMPLOYEE NOTIFICATION

NOTICE TO ALL EMPLOYEES OF THE Town of Ashland City

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by placing upon bulletin boards or other places of common passage, of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director or the Mayor of the Town of Ashland City.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any compliant or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Mayor of the Town of Ashland City for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the Town of Ashland City is available for inspection by any employee at the Town of Ashland City during regular office hours.

Signature: Official

Date

APPENDIX III - PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc., for program administration and support
2. Office space and office supplies
3. Safety and health educational materials and support for education and training
4. Safety devices for personnel safety and health
5. Equipment modifications
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions
10. Reserve fund for the program
11. Contingencies and miscellaneous

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the Town of Ashland City has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program and to comply with standards.

APPENDIX IV - ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Complete the Survey of Occupational Injuries/Illness and mail it to Labor Research and Statistics, when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to

the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after the occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.
- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers Compensation Form C20 or OSHA NO. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employers mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under **PROGRAM PLAN** in CHAPTER IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation.