THE
EAGLEVILLE
MUNICIPAL
CODE

Prepared by the

Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

July 2018

CITY OF EAGLEVILLE, TENNESSEE

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PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

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

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

Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

Section 5-1. Ordinance enacting style; number of readings, effective date.

(a) An ordinance shall begin "Be it ordained by the City of Eagleville, Tennessee".

(b) An ordinance shall be in writing when offered for adoption by the city council, and must pass two (2) readings on two (2) different days in open session of the council before its adoption. Not less than one (1) week shall elapse between the first reading and final reading.

(c) An ordinance may be read by title only provided a copy of said proposed ordinance shall have been made available to the city council, city manager, and city recorder at least three (3) days prior to the time and date of the meeting at which said ordinance shall be read for the first time.

(d) A simple majority vote among city council members present is required to pass an ordinance; provided, however, that four (4) affirmative votes are required to pass an ordinance on final reading.

(e) An ordinance shall take effect fifteen (15) days after the final passage thereof, except in the case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage; provided, it shall contain the statement that an emergency exists and shall specify the distinct facts and reasons constituting such an emergency.

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TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER
1. CITY COUNCIL.
2. CODE OF ETHICS.
3. GENERAL PROVISIONS.

CHAPTER 1

CITY COUNCIL

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

1-101. Time and place of regular meetings. (1) The city council shall hold regular monthly meetings at 7:00 P.M. on the fourth Thursday of each month at city hall, except that the regular November meeting shall be held on the third Thursday of November, and except that the regular December meeting shall be held on the second Thursday of December.

(2) The regular work session of the city council shall be held at 7:00 P.M. on the second Thursday of each month or as otherwise scheduled by the mayor or city manager. Work sessions may be canceled or incorporated into the agenda of regular monthly meetings as the need or circumstance may warrant. Special work sessions may be scheduled as the need arises. (Ord. #2016-006, May 2016)

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) Invocation.
(3) Pledge of allegiance.
(4) Roll call by city recorder.

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[1]Municipal code references
Building, plumbing and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Zoning: title 14.

(5) Mayor's welcome.
(6) Citizens' input.
(7) Adoption of the agenda.
(8) Financial report.
(9) Approval of minutes.
(10) Committee reports.
(11) Old business.
(12) New business.
(13) Mayor's closing remarks.
(14) Adjournment.

Discussion from the audience concerning any item on the agenda shall be permitted prior to a vote or action being taken by the city council upon the approval of a majority of the council members present. (2004 Code, § 1-102, modified)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 11th edition, 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. (2004 Code, § 1-103)

CHAPTER 2

CODE OF ETHICS[1]

SECTION

1-201. Applicability.
1-202. Definition of "personal interest."
1-203. Disclosure of personal interest by official with vote.
1-204. Disclosure of personal interest in non-voting matters.
1-205. Acceptance of gratuities, etc.
1-206. Use of information.
1-207. Use of municipal time, facilities, etc.
1-208. Use of position or authority.
1-209. Outside employment.
1-210. Ethics complaints.
1-211. Violations and penalty.

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

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

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

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

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

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

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

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

1-201. Applicability. This chapter constitutes the code of ethics for officials and employees of the City of Eagleville. 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 city. The words "municipal" and "municipality" include these separate entities. (Ord. #07-03, April 2007)

1-202. Definition of "personal interest." (1) For purposes of §§ 1-203 and 1-204, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a city board not otherwise regulated by state statutes on conflicts of interest; 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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #07-03, April 2007)

1-203. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself[1] from voting on the measure. (Ord. #07-03, April 2007)

1-204. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

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

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #07-03, April 2007)

1-205. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gratuity, or other consideration or favor of any kind from anyone other than the city:

(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 city business. (Ord. #07-03, April 2007)

1-206. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #07-03, April 2007)

1-207. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the city. (Ord. #07-03, April 2007)

1-208. Use of position or authority. (1) An official or employee may not use or attempt to make private purchases, in cash or otherwise, in the name of the city.

(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 city. (Ord. #07-03, April 2007)

1-209. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the city position or conflicts with any provision of the city's charter or any ordinance or policy. (Ord. #07-03, April 2007)

1-210. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

(b) The city attorney may request that the city council hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation 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 a violation of this code of ethics. (Ord. #07-03, April 2007)

1-211. Violations and penalty. 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 city's charter or other applicable law and in addition is subject to censure by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #07-03, April 2007)

CHAPTER 3

GENERAL PROVISIONS

SECTION

1-301. General penalty; continuing violations.

1-301. General penalty; continuing violations. Whenever in this code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance 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 this code or any such ordinance shall be punished by a penalty of not more than fifty dollars ($50.00) for each separate violation; provided, however, that the imposition of any such penalty under the provisions of this code or of any ordinance of the city shall not prevent the revocation of any permit or license for violation of any provisions hereof where called for or permitted under the provisions of this code or of any ordinance. The city judge shall fix the penalty to be imposed under the provisions hereof as the city judge's discretion may dictate. Each day that any violation of this code or of any ordinance continues shall constitute a separate offense. Where any act of the general assembly of the state provides for a greater minimum penalty than one dollar ($1.00), the minimum penalty prescribed by the state law shall prevail, and be assessed by the city judge. Whenever in this code reference is made to a maximum penalty of greater than fifty dollars ($50.00), this section shall prevail and the maximum penalty shall be fifty dollars ($50.00).

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER
1. GENERAL PROVISIONS.
2. DESIGN REVIEW COMMITTEE.

CHAPTER 1

GENERAL PROVISIONS

SECTION
2-101. Resignation by excessive absences, composition requirements.

2-101. Resignation by excessive absences, composition requirements. An appointed member of the various boards and commissions of the city who is absent from three (3) consecutive meetings without providing good cause therefor may, upon the recommendation of the board/commission or by independent action of the city council, be deemed by the city council to have resigned from such board/commission, and the city council may proceed to appoint his successor. A board or commission member who no longer meets the composition requirements for the board/commission, or for his particular position on the board/commission, shall have their position vacated by the city council, and the council may proceed to appoint his or her successor.

CHAPTER 2

DESIGN REVIEW COMMITTEE

SECTION

2-201. Composition.
2-202. Duties, project review.

2-201. Composition. (1) Membership, appointment, and officers. A Design Review Committee (DRC), serving as an advisory body to the planning commission, shall be comprised of seven (7) members as follows:

(a) The chair of the planning commission, or his/her designee from among the members of the planning commission;

(b) Two (2) members who are citizens within the corporate limits of the City of Eagleville;

(c) Two (2) members who have their business located within the corporate limits of Eagleville;

(d) One (1) citizen member who is located outside of the corporate limits but within the Eagleville Planning Region; and

(e) One (1) member that is a licensed architect, engineer or landscape professional.

(2) With the exception of the chair of the planning commission or his/her designee, all remaining members shall be nominated by the mayor and approved by city council.

(3) The DRC shall be comprised of a chairperson, vice chairperson, and secretary. The committee shall elect a chairperson and vice chairperson annually. The planning commission chairperson, or his/her designee, shall serve as secretary.

(4) The term of office for all members shall be two (2) years, such terms to expire concurrently with the reorganization of the city council after the bi-annual general municipal election, and until their successors are appointed and qualified.

(5) Vacancies shall be filled in the same manner as appointments and shall be only for the unexpired portion of the term.

(6) The DRC shall meet upon call with four (4) affirmative votes required to pass on any recommendation.

2-202. Duties, project review. (1) The DRC shall have the following duties and responsibilities:

(a) To review submittals for construction or development in industrial, commercial, and multi-family zoning districts.

(b) To review site plans and make recommendations to the planning commission on site and vertical improvements, including but not limited to, exterior colors and surface treatments, roofing, signage,

doors and entrances, remodels, windows, building facades, handicap accessibility, landscaping, awning and canopies, dumpster screening, and paving.

(c) To assist in developing specific procedures and standards for commercial and industrial design criteria. The DRC will provide their recommendation to the planning commission and city council for review and possible implementation.

(2) Projects requiring design review. When located on property zoned as designated in (1)(a) herein, design review shall be required when the project involves the issuance of a building permit.

(3) An application for a project requiring DRC review shall be submitted to the city accompanied by:

(a) Plans for all building and structures showing elevations and style of architecture. An architectural rendering, visual aids, and samples of materials to be used may be submitted and can be required by the committee. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols.

(b) Five (5) sets of site plans, drawn to scale and meeting all zoning criteria for site plan submittal requirements, shall be provided for review.

(4) The DRC shall provide its recommendations to the planning commission upon completion of its work.

TITLE 3

MUNICIPAL COURT

CHAPTER
1. MUNICIPAL COURT.
2. MUNICIPAL JUDGE.
3. COURT ADMINISTRATION.
4. WARRANTS AND SUBPOENAS.
5. BONDS AND APPEALS.

CHAPTER 1

MUNICIPAL COURT

SECTION
3-101. Municipal court created; where and when to be held.

3-101. Municipal court created; where and when to be held. There is hereby created a municipal court for the City of Eagleville. The court shall be held at the city hall or at such other place within the city as the municipal judge may from time to time designate. The court shall be in session no less than one (1) day per month at such hours as may be determined by the municipal judge. Any change in the schedule of hour, date, or place of session shall be published in a newspaper of general circulation within the city at least seven (7) days prior to the change in the date, hour, or place before becoming effective. (Ord. #2013-006, Nov. 2013)

CHAPTER 2

MUNICIPAL JUDGE

SECTION

3-201. Office of municipal judge established.
3-202. Qualifications of judge.
3-203. Term of office for judge.
3-204. Oath of office for judge.
3-205. Bonding of the municipal judge or other court officers.
3-206. Compensation of judge.
3-207. Judicial jurisdiction of municipal judge.

3-201. Office of municipal judge established. There is hereby established the office of municipal judge which shall be filled by a resolution of appointment by the City Council of the City of Eagleville. (2004 Code, § 3-201)

3-202. Qualifications of judge. The municipal judge for the City of Eagleville shall be thirty (30) years of age, licensed in the State of Tennessee to practice law and a resident of Rutherford County or a county that borders Rutherford County. In the event he moves his residence from Rutherford County or a county that borders Rutherford County, he shall automatically vacate his office.

Suspension or revocation of the person's license to practice law shall constitute an automatic termination of that person's appointment to office pursuant to this section and a vacancy in the office shall forthwith exist to be filled by appropriate appointment by the city council. (2004 Code, § 3-202, as amended by Ord. #2010-04, June 2010 and Ord #2011-004, March 2011, modified)

3-203. Term of office for judge. The normal term of office for the municipal judge shall be for four (4) years, but his term shall be at the will and pleasure of the city council. The municipal judge shall continue to serve until his successor has been appointed and sworn in. Vacancies in the office created hereby shall be filled by the city council. (2004 Code, § 3-203, as amended by Ord. #2010-04, June 2010 and Ord #2011-004, March 2011, modified)

3-204. Oath of office for judge. Any person appointed to the office of municipal judge shall, prior to entering upon the duties of the office, take the following oath.

> "I_____, solemnly swear to perform and discharge the duties and obligations of Municipal Judge of the City of Eagleville, and to enforce the ordinances of the City of Eagleville and the laws

of the State of Tennessee without fear or favor, so help me God." (2004 Code, § 3-204)

3-205. Bonding of the municipal judge or other court officers. Any person appointed to the office of municipal judge or any person handling money of the municipal court shall be bonded in an amount of at least five thousand dollars ($5,000.00) prior to entering upon the duties of such office and the cost of the bond or bonds shall be paid by the city. (2004 Code, § 3-205)

3-206. Compensation of judge. The compensation of the municipal judge shall be seventy-five dollars ($75.00) per month. All fees derived by the city court shall be paid into the treasury of the city and are not to be considered a part of the compensation of the municipal judge. (2004 Code, § 3-206, as amended by Ord. #2010-04, June 2010 and Ord #2011-004, March 2011)

3-207. Judicial jurisdiction of municipal judge. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code.

CHAPTER 3

COURT ADMINISTRATION

SECTION
3-301. Municipal judge's docket.
3-302. Court clerk.
3-303. Service of court process.
3-304. Imposition and disposition of fines, payment and non-payment.
3-305. Court costs.
3-306. Contempt of court.
3-307. Disposition of weapons found on persons arrested.
3-308. Disposition of abandoned and confiscated property.

3-301. Municipal judge's docket. The municipal judge shall keep or cause to be kept a complete court docket or dockets embodying complete detailed records of all cases handled by him. 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; and all other information which may be relevant. The docket shall also include the information required by Tennessee Code Annotated § 55-10-306 for all violations of traffic charges. (2004 Code, § 3-301)

3-302. Court clerk. A municipal court clerk shall be appointed by the city manager.

3-303. Service of court process. The codes enforcement officer, any police officer of the city, the court clerk and any other person authorized by state statutes or by city ordinance, are each hereby appointed and designated as officers of the municipal court for the purpose of serving any process, documents, notices, warrant, writs, citations, and other official instruments of and from the municipal court. (2004 Code, § 3-303)

3-304. Imposition and disposition of fines, payment and non-payment. All fines, penalties and costs shall be imposed and recorded by the municipal judge on the city court docket in open court. All fines imposed by the municipal judge for violations of city ordinances shall belong to and be paid into the treasury of the city; and any labor performed in the execution of a sentence for such violation or violations shall be performed for the city under the direction of a court officer. All payments shall be in accordance with Tennessee Code Annotated §§ 40-24-101 through 40-24-105. (2004 Code, § 3-305)

3-305. Court costs. There is hereby established fixed court costs for all cases brought before the municipal court. Court costs shall be one hundred

twenty-five dollars ($125.00) or such other amount as shall be established by the city council from time to time. The municipal judge shall certify to the chief of police for collection, all fines, costs, and forfeitures imposed by him for offenses against the laws and ordinances of the city. Costs in favor of any person paid a fixed salary by the city shall belong to the city and be paid into its treasury. The municipal judge shall collect and receipt for all fines imposed by him, and he shall render a bi-annual report to the city council of all costs and fines collected and of all assessed and uncollected. It shall be unlawful for any other person or officer to collect or receipt for said fines, costs, and recoveries, but the municipal judge may authorize the chief of police to collect and receipt for fines and costs. (2004 Code, § 3-306, as amended by Ord. #2010-05, July 2010, modified)

3-306. Contempt of court. The power of the municipal judge to inflict punishment for contempt of court shall extend to the following: The willful misbehavior of any person in the presence of the court, or so near thereto as to obstruct the administration of justice; the willful misbehavior of any of the officers of the court, in their official transactions; the willful disobedience or resistance of any officer of the court and party, witness, or any other person, to any lawful writ, process, order, rule, decree, or command of said court; abuse of, or unlawful interference with, the process or proceedings of the court; any other act or omission declared a contempt by law. The municipal judge's power to punish for contempt of court is limited to the general penalty clause of this municipal code of ordinances for each offense. (2004 Code, § 3-307)

3-307. Disposition of weapons found on persons arrested. All weapons as defined in § 11-502 of this code which may be found upon any person arrested or within his possession, shall be seized and turned over to the municipal judge and released to the chief of police and retained by and forfeited to the city, and shall be disposed of in accordance with Tennessee Code Annotated § 39-17-1317. (2004 Code, § 3-308)

3-308. Disposition of abandoned and confiscated property. The municipal judge may order the chief of police to seize and take possession of all stolen or abandoned personal property, together with all personal property which the municipal judge shall order confiscated as the fruits of a crime or used in the commission of such crime. The police department may also take similar possession for a reasonable time until the municipal judge can be contacted. (2004 Code, § 3-309)

CHAPTER 4

WARRANTS AND SUBPOENAS

SECTION
3-401. Issuance of arrest warrants.
3-402. Issuance of subpoenas.

3-401. Issuance of arrest warrants.[1] The municipal judge may issue warrants for the arrest of persons charged with violating city ordinances or state criminal laws within the city. Only one (1) warrant shall be issued for the same offense, the warrant to embrace all the parties charged with the same offense. No arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, or unless in a case of felony. The affidavit upon which the warrant is issued shall especially state the offense charged. (2004 Code, § 3-401)

3-402. Issuance of subpoenas. The 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. (2004 Code, § 3-402)

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[1]State law reference
For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 5

BONDS AND APPEALS

SECTION

3-501. Bond amounts, conditions, and forms.
3-502. Appeals from municipal court.
3-503. Deposit of CDL or operator's license in lieu of bond.

3-501. Bond amounts, conditions, and forms. (1) Appearance bond. 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.

(2) Appeal bond. An appeal bond in any case shall be two hundred fifty dollars ($250.00) for such person's appearance and the faithful prosecution of the appeal.

(3) Form of bond. 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 within the county.

(4) Pauper's oath. A bond is not required provided the defendant/appellant:

(a) Files the following oath of poverty: I, _____, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) Files an accompanying affidavit of indigency.

3-502. Appeals from municipal court. Any person dissatisfied with the judgment of the municipal judge in any case or cases heard and determined by the municipal judge, may, within ten (10) entire days[1] thereafter, Saturdays, Sundays and government recognized holidays exclusive, appeal to the next circuit court of the county, upon giving bond with good and sufficient security as approved by the municipal judge for his appearance or the faithful prosecution of the appeal.[2] In prosecutions for the violations of the city ordinances, the bond shall not exceed two hundred fifty dollars ($ 250.00). The appeal shall not act as a stay or supersedeas of the imprisonment of any

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[1]State law reference
Tennessee Code Annotated § 16-18-307.

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

defendant who fails to pay a fine imposed, unless the defendant executes an appeal bond with solvent, qualified surety in double the amount of fine imposed, and conditioned to appear and prosecute his appeal and pay any fine and costs adjudged against him upon the appeal. Appeals from the judgment of the municipal court for violation of the criminal laws of the State of Tennessee shall be pursuant to the provisions of Rule 5 of the Tennessee Rules of Criminal Procedure. (2004 Code, § 3-502)

3-503. Deposit of CDL or operator's license in lieu of bond. Pursuant to Tennessee Code Annotated § 55-50-801, et seq., whenever any person lawfully possessed of a Commercial Driver's License ("CDL") 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 the violation of any city ordinance regulating traffic, except one which requires mandatory revocation of the license, said person shall have the option of depositing his CDL 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 the court. All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated §§ 55-50-801 through 55-50-805, and any implementing orders of the Department of Safety, State of Tennessee. (2004 Code, § 3-503)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. PERSONNEL POLICIES AND PROCEDURES.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. INFECTIOUS DISEASE CONTROL POLICY.
4. TRAVEL REIMBURSEMENT REGULATIONS.
5. DEFENSE AND INDEMNIFICATION OF CITY OFFICIALS AND EMPLOYEES.

CHAPTER 1

PERSONNEL POLICIES AND PROCEDURES

SECTION
4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.[1] The city, by ordinance or resolution, may establish a system of personnel rules and regulations.

[1]Ord. #2015-003, Personnel Policies and Procedures (and any amendments), is available in the office of the recorder.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-201. Creation and title.
4-202. City's commitments.
4-203. Definitions.
4-204. Coverage.
4-205. Employer's rights and duties.
4-206. Employees' rights and duties.
4-207. Standards authorized.
4-208. Variances from standards authorized.
4-209. Abatement.
4-210. Inspection.
4-211. Administration.
4-212. Funding the program.
4-213. Compliance with other laws, etc., no excuse for noncompliance with program and vice versa.

4-201. Creation and title. There is hereby created a safety and health program for the employees of the City of Eagleville as follows. This section shall provide authority for establishing and administering the occupational safety and health program for the employees of Eagleville. (2004 Code, § 4-301)

4-202. City's commitments. The City of Eagleville, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

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

(2) 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 state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the state commissioner of labor or his designated representative with regard to the adequacy of the form and content of records.

(5) Consult with the state commissioner of labor or the state commissioner of public health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the city and are such that they cannot be achieved under a standard promulgated by the state.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program.

(7) 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.

(8) 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. (2004 Code, § 4-302)

4-203. Definitions. For the purpose of the program established pursuant to this chapter, the following definitions shall apply:

(1) "Appointing authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division, or other agency of the city.

(2) "Commissioner of labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(3) "Commissioner of public health" means the chief executive officer of the Tennessee Department of Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of public health.

(4) "Director of safety and health" means the city manager designated by the city to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's safety and health program.

(5) "Eminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the eminence of such danger can be eliminated through normal enforcement procedures.

(6) "Employee" means any person performing services for the city and listed on city payrolls either as part-time seasonal, or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(7) "Employer" means the city, and shall include each administrative department, commission, board, division, or other agency of the city.

(8) "Establishment or workplace" means a single physical location where business is conducted or where services or industrial operations are performed.

(9) "Inspector(s)" means the individual(s) appointed and designated by the director of safety and health to conduct inspections provided for herein. If no

such compliance inspector(s) is appointed, the inspections shall be conducted by the director of safety and health.

(10) "Person" means one (1) or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(11) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the state commissioner of public health which requires conditions or the adoption or the use of one (1) or more practices, means, methods, operations, or processes necessary or appropriate to provide safe and healthful employment and places of employment. (2004 Code, § 4-303, modified)

4-204. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division, or other agency of the city. (2004 Code, § 4-304)

4-205. Employer's rights and duties. Rights and duties of the employer shall include, but are not limited to, the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the state commissioner of labor and state commissioner of public health in the performance of their monitoring duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an occupational safety and health standard.

(6) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out.

(7) 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 of corrective action being taken by the city. (2004 Code, § 4-305)

4-206. Employees' rights and duties. Rights and duties of employees shall include, but are not limited to, the following provisions:

(1) 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.

(2) Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from any standard.

(4) Any employee may bring to the attention of the person in charge of the program any violation of the standards or other health or safety hazard.

(5) 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 the corrective action being taken.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings, or inspection under or relating to this program. Any such charges of discrimination are subject to investigation by the commissioner of labor.

(8) Nothing in this section or any other provision of this program shall be deemed to authorize or require 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, and except when such medical examination is reasonably required for performance of a specified job. (2004 Code, § 4-306)

4-207. Standards authorized. The standards adopted by the City of Eagleville are the State of Tennessee safety and health standards developed under section 6 of the state Occupational Safety and Health Act of 1972.[1] (2004 Code, § 4-307)

4-208. Variances from standards authorized. The City of Eagleville may upon written application to the state commissioner of labor or the state commissioner of public health request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the

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[1]State law reference
Tennessee Code Annotated, title 50, chapter 3.

employer shall notify or serve notice to employees 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 shall be deemed sufficient notice to employees. (2004 Code, § 4-308)

4-209. Abatement. The program will provide for administrative procedures for abating hazard. (2004 Code, § 4-309)

4-210. Inspection. (1) In order to carry out the purpose of this program resolution, the safety and health inspectors are authorized:

(a) To enter at any reasonable time any establishment, construction site, plat, or other area, workplace, or environment where work is performed by an employee of the City of Eagleville; and

(b) To inspect and investigate during regular working hours and at other reasonable times, and 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.

(2) The City of Eagleville shall establish and maintain a system for collecting, maintaining, and reporting safety and health data.

(3) The program shall comply with the record keeping regulations pursuant to the Tennessee Occupational and Safety Act of 1972.

(4) After the provisions of this chapter have been enacted, the City of Eagleville shall report within forty-eight (48) hours, either orally or in writing, to the commissioner of labor any accident which is fatal to one (1) or more employees or which results in the hospitalization of five (5) or more employees. (2004 Code, § 4-310)

4-211. Administration. For the purposes of this chapter, the city manager or his designee is authorized to perform all duties and exercise all powers to plan, develop, and administer the city's occupational safety and health program.

4-212. Funding the program. Sufficient funds for administering the program pursuant to this chapter shall be made available as authorized by the budgeting authority. (2004 Code, § 4-312)

4-213. Compliance with other laws, etc., no excuse for noncompliance with program and vice versa. (1) Compliance with other law, statute, or city ordinance which regulates safety and health in employment and places of employment shall not excuse the city, any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of this program pursuant to this chapter or any standard or regulation promulgated pursuant to this program shall not excuse the city, any city employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (2004 Code, § 4-313)

CHAPTER 3

INFECTIOUS DISEASE CONTROL POLICY

SECTION

4-301. Purpose.
4-302. Coverage.
4-303. Administration.
4-304. Definitions.
4-305. Policy statement.
4-306. General guidelines.
4-307. Hepatitis B vaccinations.
4-308. Reporting potential exposure.
4-309. Hepatitis B virus post-exposure management.
4-310. Human immunodeficiency virus post-exposure management.
4-311. Disability benefits.
4-312. Training regular employees.
4-313. Training high risk employees.
4-314. Training new employees.
4-315. Records and reports.
4-316. Legal rights of victims of communicable diseases.

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

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

4-302. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

(1) Paramedics and emergency medical technicians;
(2) Occupational nurses;
(3) Housekeeping and laundry workers;

(4) Police and security personnel;
(5) Firefighters;
(6) Sanitation and landfill workers; and
(7) Any other employee deemed to be at high risk per this policy and an exposure determination.

4-303. Administration. This infection control policy shall be administered by the city manager or his/her designated representative who shall have the following duties and responsibilities:

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

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

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

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

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

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

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

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

4-304. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

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

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

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected.

4-305. Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Centers for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

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

4-306. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

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

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

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items

shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

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

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

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

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

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

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

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

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

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

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

(11) Place all disposable equipment (gloves, masks, gowns, etc.) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container and shall be properly disposed of.

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

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

All required tags shall meet the following criteria:

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

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

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

(13) 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 transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up.

4-307. Hepatitis B vaccinations. The City of Eagleville shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the infectious disease control coordinator.

4-308. 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.):

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

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

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

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

4-309. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

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

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

4-310. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within twelve (12) weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

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

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing twelve (12) weeks later may

be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure.

4-311. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Workers' Compensation Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303.

4-312. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.

4-313. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy.

4-314. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work.

4-315. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

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

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and

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

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

4-316. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or 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 circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

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

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

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution.

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-401. Travel policy.

4-401. Travel policy. (1) The city will reimburse officials and employees of the city, including members of the city council and members of municipal boards and committees appointed by the mayor or city council, for travel and expenses incurred while on official business for the city in accordance with the adopted Eagleville Travel Policy.

(2) Any reimbursement of travel and expenses shall be subject to and in accordance with the travel policy.

(3) The city manager or his designee shall prescribe forms on which travel expenses will be reported, shall examine such travel expense report to determine if all expenses so listed as reimbursable are legally reimbursable expenditures within the travel policy, and, if such listed expenses are reimbursable, to cause such reimbursement to be paid to the traveler.

CHAPTER 5

DEFENSE AND INDEMNIFICATION OF CITY OFFICIALS AND EMPLOYEES

SECTION

4-501. Definitions.
4-502. Legal representation.
4-503. Exclusions - determination of representation.
4-504. Payment of claims - conditions of representation.
4-505. Refusal to cooperate.
4-506. Conflict with provisions of insurance policies.
4-507. Pending claims.
4-508. Other indemnification.

4-501. Definitions. For the purpose of this chapter, the following words shall have the following meanings unless the context indicates otherwise:

(1) "Claim" means a claim, civil action or proceeding filed against such official or employee, in his or her official or individual capacity or both, on account of an act or omission arising out of the scope of his or her employment as an official or employee of the city.

(2) "Employee" means any person who is or has been employed in the service of the city.

(3) "Official" means any person who is serving or has been served as an elected or appointed city officer and any person who is serving or has served as an appointed member of any city board, commission, agency or committee. (2004 Code, § 4-601)

4-502. Legal representation. Subject to the conditions and requirements of this chapter, the city shall, upon request of any present or former official or employee, provide to the official or employee such legal representation as may be reasonably necessary to defend any claim filed against the official or employee, arising out of the performance, purported performance or failure of performance, in good faith, of duties for or employment with the city. This legal representation shall be provided by the city attorney or the city attorney's designee, except as may be provided under an insurance policy or self insurance or joint insurance program and subject to the terms of the city attorney's employment agreement with the city. (2004 Code, § 4-602)

4-503. Exclusions - determination of representation. This chapter shall not apply to any dishonest, fraudulent, willful misconduct, criminal or malicious act of the person requesting defense and indemnification, to any act outside the scope of service or employment, to any lawsuit brought by or on behalf of the city, to any matter which would create a conflict of interest

between the city and the person or persons involved, or to any accident, occurrence or circumstance in which the city or an official or employee is insured against loss or damages under the terms of a city insurance policy or self insurance or a joint insurance program.

The city attorney or his designee shall determine whether an official or employee was performing duties for or employment with the city in good faith, and whether an official or employee committed a dishonest, fraudulent, criminal or malicious act. The official or employee may appeal such determination to the city council. (2004 Code, § 4-603)

4-504. Payment of claims - conditions of representation. At the request of an official or employee, the city attorney, his designee or other attorney or attorneys hired as an independent contractor to handle the matter shall investigate and defend a claim which is covered by this chapter. If that claim is deemed by the city attorney, his designee or other attorney or attorneys hired as an independent contractor to handle the matter, to be a proper claim against the official or employee, the claim shall be paid by the city as long as the following requirements are met.

(1) As soon as practicable after receipt of notice of a claim, the official or employee shall give the city attorney written notice of the claim, specifying the names of the officials or employees involved, the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim, the names and addresses of all persons allegedly injured, the names and addresses of owners of allegedly damaged property, and the names and addresses of all witnesses.

(2) The official or employee shall cooperate with the city attorney, his designee or other attorney or attorneys hired as an independent contractor to handle the matter, and, upon request, shall assist in making settlements of any lawsuits and in enforcing any claim for subrogation against any persons or organizations that may be liable to the city because of any damages or losses arising from the incident or conduct.

(3) The official or employee shall attend interviews, depositions, hearings and trials as requested, and assist in securing and giving evidence and obtaining the attendance of witnesses.

If the city attorney, his designee or other attorney or attorneys hired as an independent contractor to handle the matter, determines that a claim against an official or employee is not covered by this chapter and a court of competent jurisdiction, in a final judgment, finds that the claim is covered by this chapter, the city shall pay the claim and reasonable attorney's fees. (2004 Code, § 4-604)

4-505. Refusal to cooperate. If any official or employee fails or refuses to meet the requirements of § 4-504 herein or elects to provide his or her own representation on any claim, this chapter shall be inapplicable and of no force and effect with respect to that claim. (2004 Code, § 4-605)

4-506. Conflict with provisions of insurance policies. Nothing contained in this chapter shall be construed to modify or amend any provision of any insurance policy or any coverage through a self insurance or joint insurance program. If there is a conflict between this chapter and the provisions of any such policies or coverage, the provisions of any such policies or coverage shall control. (2004 Code, § 4-606)

4-507. Pending claims. This chapter shall apply to any pending claim against an official or employee and to any claim hereafter filed irrespective of the date of the events or circumstances giving rise to the claim. (2004 Code, § 4-607)

4-508. Other indemnification. In any other action or proceeding, including proceeding which took place before the passage of this chapter, the city may provide for the defense or pay the defense costs of a present or former city official, if the city attorney determines that such representation or defense costs were incurred while the official or employee was performing, purporting to perform or failing to perform, in good faith, duties for or employment with the city and such actions or failure to act did not fall under the exclusions of § 4-503 of this chapter. Such past costs may be paid only on presentation of canceled checks drawn on the account of the official. (2004 Code, § 4-608)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER
1. MISCELLANEOUS.
2. PRIVILEGE TAXES.
3. BUSINESS TAX.
4. PURCHASING.
5. REAL AND PERSONAL PROPERTY TAXES.
6. WHOLESALE BEER TAX.
7. COLLECTION, PAYMENT PROCESSING.

CHAPTER 1

MISCELLANEOUS

SECTION
5-101. Official depositories for city funds.
5-102. Signatures on checks drawn on city accounts.
5-103. Fiscal year.

5-101. Official depositories for city funds. Any financial institution located within Rutherford County or Williamson County is designated to serve as an official depositor of city funds.

5-102. Signatures on checks drawn on city accounts. Checks drawn on city accounts shall be signed by two (2) officers of the city as designated by ordinance or resolution of the city council. (2004 Code, § 5-102)

5-103. Fiscal year. The fiscal year for the city shall begin on July 1 of each year and end on June 30 of the following year. (2004 Code, § 5-103)

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[1]State law reference
State deposits; Tennessee Code Annotated, title 9, chapter 4, parts 1 and 4; or collateral pool created under Tennessee Code Annotated, title 9, chapter 4, part 5.

CHAPTER 2

PRIVILEGE TAXES

SECTION
5-201. Tax levied.
5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations doing business or exercising a taxable privilege as provided by said Act, in the City of Eagleville, Tennessee, at the rates and in the manner prescribed by the said Act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (2004 Code, § 5-201)

5-202. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued to each applicant therefore upon the applicant's payment of the appropriate privilege tax. (2004 Code, § 5-202, modified)

CHAPTER 3

BUSINESS TAX

SECTION

5-301. Refund of overpayment of business tax.

5-301. Refund of overpayment of business tax. The city is authorized to settle and adjust with tax payers all errors and double assessments of city business taxes erroneously collected and to direct the refunding of the same. Any claim for such refund to the city of business tax revenues alleged to have been erroneously paid shall be filed with the city recorder supported by proper proof within one (1) year from date of payment, otherwise the taxpayer shall not be entitled to refund and said claim for refund shall be barred.

In addition, the city is authorized to make refunds without a claim being filed if in possession of proper proof and facts that a refund is due within the period of limitation described above. (2004 Code, § 5-401)

CHAPTER 4

PURCHASING

SECTION

5-401. Maximum expenditure without council approval.
5-402. Purchases between forty percent and one hundred percent of the public bidding threshold.
5-403. Purchases greater than the bidding threshold.
5-404. Advertisement for bids.
5-405. Bid award.
5-406. Emergency purchase.
5-407. Exceptions.

5-401. Maximum expenditure without council approval. The city manager is authorized to make a purchase less than the dollar threshold for public advertisement and competitive bidding as set forth in statute or charter (the public bidding threshold), provided sufficient funds are appropriated and available for the purchase. (Ord. #2016-005, May 2016)

5-402. Purchases between forty percent and one hundred percent of the public bidding threshold. A minimum of three (3) written quotes shall be obtained, whenever possible, for the purchase of goods or services projected to exceed forty percent (40%), but be less than one hundred percent (100%), of the public bidding threshold. (Ord. #2016-005, May 2016)

5-403. Purchases greater than the bidding threshold. Public advertisement and competitive bidding shall be required for the purchase of goods and services projected to equal or exceed the public bidding threshold. (Ord. #2016-005, May 2016)

5-404. Advertisement for bids. Whenever an expenditure is proposed to be made at any one time in an amount which in the aggregate will exceed the public bidding threshold, the city manager shall advertise for and shall receive sealed bids for the purpose or purposes for which said expenditure is proposed to be made. A notice of the fact that bids will be received for such purposes shall be advertised in a newspaper of general circulation in the city at least one (1) time and said advertisement shall be made at least ten (10) days prior to the date when bids are received and opened. The advertisement shall give notice to the public of the purpose or purposes for which bids will be received and shall state the time and place when sealed bids will be received and opened. At the time and place specified in the advertisement, the city manager shall publicly open all bids and make the results known to the bidders. The city manager or

city council are authorized to reject any and all bids. (Ord. #2016-005, May 2016)

5-405. Bid award. Any bid that exceeds the public bidding threshold shall be presented to the city council for formal award to the lowest responsible bidder. The city reserves the right to reject any and all bids and to waive any irregularities. (Ord. #2016-005, May 2016)

5-406. Emergency purchase. The city manager or city council may dispense with the purchasing requirements of this chapter in the event of an emergency or other circumstance authorized by statute or charter, provided that any actions taken by the city manager shall be reported to the city council not later than the next regular council meeting. (Ord. #2016-005, May 2016)

5-407. Exceptions. Nothing herein shall limit purchases specifically exempted by the Municipal Purchasing Act of 1983. (Ord. #2016-005, May 2016)

CHAPTER 5

REAL AND PERSONAL PROPERTY TAXES

SECTION

5-501. When due and payable.
5-502. When delinquent; penalty and interest.

5-501. When due and payable.[1] Taxes levied by the city against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied.

5-502. When delinquent; penalty and interest.[2] All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.[3]

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[1]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. 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.

[2]State law reference

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

[3]Charter 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 6

WHOLESALE BEER TAX

SECTION
5-601. To be collected.

5-601. To be collected. The city recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[1]

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

Municipal code references
Alcohol and beer regulations: title 8.
Beer privilege tax: § 8-208.

CHAPTER 7

COLLECTION, PAYMENT PROCESSING

SECTION
5-701. Collections.
5-702. Electronic payment.
5-703. Returned/rejected payment.

5-701. Collections. In accordance with Tennessee Code Annotated, § 40-24-105(e)(1), the city may, at its discretion, and following appropriate procurement procedures, procure a collection agency to proceed in the collection of any payments that are more than sixty (60) days past due and for which any legally required notice has been provided. A fee of forty percent (40%) or the maximum allowed in Tennessee Code Annotated, § 40-24-105(e)(2) shall be added to the amount payable in order that the city may recover its due payment. (Ord. #2014-09, Nov. 2014)

5-702. Electronic payment. Should the city offer electronic payment options (debit card, credit card, electronic check, or similar) for certain services, a processing and convenience fee not to exceed five percent (5%) shall be added to any transaction for the purpose of covering any cost incurred for the processing of the transaction. The city manager may establish a minimum transaction amount for electronic payments when associated fees would result in a loss to the city as a result of the transaction. The additional fee charged shall be posted anywhere payment options are displayed or posted, shall be disclosed at the time of a transaction, and shall be identified on the receipt provided. Any procedures regarding electronic payment shall be in compliance with Tennessee Code Annotated, § 9-1-108(c)(1) et seq. (Ord. #2017-009, June 2017)

5-703. Returned/rejected payment. A charge of thirty dollars ($30.00) or one percent (1%) of the amount of the check, whichever is greater, shall be assessed against the maker or drawer of any check not paid because the maker or drawer did not have an account with or sufficient funds on deposit with the financial institution, or the draft, check, or order has an incorrect or insufficient signature thereon. Likewise, in accordance with Tennessee Code Annotated, § 9-1-108, any returned/rejected payments paid with credit or debit cards shall be assessed the same fee as that assessed to returned checks. Returned/rejected electronic payments are those that are rejected after such time that a transaction was receipted. (Ord. #2017-009, June 2017)

TITLE 6

LAW ENFORCEMENT[1]

CHAPTER
1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST

SECTION
6-101. Police officers subject to chief's orders.
6-102. Police officers to preserve law and order, etc.
6-103. Police officers to wear uniforms and be armed.
6-104. When police officers to make arrests.
6-105. Police department records.

6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (2004 Code, § 6-101)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the city. They shall patrol the city and shall assist the municipal court during the trial of cases. Police officers shall also promptly serve any legal process issued by the municipal court. (2004 Code, § 6-102)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the city council shall authorize and shall carry a service pistol at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (2004 Code, § 6-103)

6-104. When police officers to make arrests.[2] Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

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[1]Municipal code references
Issuance of citations in lieu of arrest in traffic cases: title 3, chapter 5

[2]Municipal code reference
Issuance of citation in lieu of arrest in traffic cases: title 3, chapter 5.

(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. (2004 Code, § 6-104)

6-105. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

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

(2) All arrests made by police officers.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (2004 Code, § 6-106)

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

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

CHAPTER 1

FIRE DISTRICT

SECTION
7-101. Fire limits described.

7-101. Fire limits described. The Eagleville Volunteer Fire Department fire limits shall be Rutherford County Fire District 45 as described in the agreement between Rutherford County and the City of Eagleville dated May 23, 1990, as periodically renewed.

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

CHAPTER 2

FIRE CODE[1]

SECTION
7-201. Fire code adopted.
7-202. Enforcement.
7-203. Definition of "municipality."
7-204. Modifications.
7-205. Gasoline trucks.
7-206. Variances.
7-207. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,[2] 2012 edition, as published 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 recorder and is available for city use and inspection. Said fire code is adopted and incorporated as if set out at length herein and shall be controlling within the city limits. (2004 Code, § 7-201, modified, as amended by Ord. #2014-01, Feb. 2014, modified)

7-202. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (2004 Code, § 7-202, modified)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Eagleville, Tennessee. (2004 Code, § 7-203, modified)

7-204. Modifications. The fire code is amended by:
Section 101.1. Title is hereby amended by adding "City of Eagleville, TN" in place of "[name of jurisdiction]"

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

[2]Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206

Section 105 Permits. Is hereby amended by deleting this section without substitution.

Section 903.2.1.2. Is hereby amended in item #2 deleting the words "fire area has an."

Appendix B Fire. Is hereby amended by Flow requirements for building adopt 103 only.

Appendix C Fire Hydrant. This appendix to be adopted.

Appendix D Fire Apparatus Access Roads. Sections 103, 103.2, 103.3, 103.4, 103.5, 103.6, 103.6.1, 103.6.2, 104.1, 104.2, 104.3, 105, 106 to be adopted.

Appendix I Fire Protection Systems. Non-compliant conditions. This appendix to be adopted.

Appendix J Building Information Sign. This appendix to be adopted. (Ord. #2014-01, Feb. 2014)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (2004 Code, § 7-204)

7-206. Variances. The fire chief may recommend to the city council variances from the provisions of the fire 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 city council. (2004 Code, § 7-205, modified)

7-207. Violations and penalty. Any person who shall violate or fail to comply with any of the provisions of this code shall be fined under the general penalty clause for this code of ordinances, or the permit may be revoked, or both fine and revocation of the permit may be imposed. (2004 Code, § 7-206, modified)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT[1]

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 City of Eagleville Volunteer Fire Department to be supported and equipped from appropriations of the city council and from Rutherford County.[2] Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, and any gifts to the volunteer fire department shall be turned over to and become the property of the city and the city shall use such funds in the equipping of the volunteer fire department. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a fire chief appointed by the city manager, and such number of subordinate officers and firefighters as the fire chief shall appoint, subject to the approval of the city manager. (modified)

7-302. Objectives. The volunteer 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 place 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.

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[1]Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.

[2]Agreement between City of Eagleville and Rutherford County dated May 23, 1990, on file in city recorder's office.

7-303. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department under such rules and regulations as the city council may prescribe.

7-304. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor or to the council members as they may require.

7-305. Tenure and compensation of members. The fire chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department.

All personnel of the volunteer fire department shall receive such compensation for their services as the city council may from time to time prescribe.

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, under the direction and subject to the requirements of the city council.

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated § 68-102-108, the fire chief is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-101. Alcoholic beverages subject to regulation.
8-102. Privilege tax on retail sale of alcoholic beverages for on premises consumption.

8-101. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57, chapter 4, except and by rules and regulations promulgated thereunder, and as provided in this chapter.

8-102. Privilege tax on retail sale of alcoholic beverages for on premises consumption. Pursuant to the authority contained in Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption within the city. It is the intent of the city council that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in the city, the same as if said code sections were copied herein verbatim.

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

CHAPTER 2

BEER[1]

SECTION

8-201. Beer board created.
8-202. Organization and meetings.
8-203. Powers and duties of the beer board.
8-204. Procedures of the board.
8-205. "Beer" defined.
8-206. Beer permit required; application fee.
8-207. Applications; time for filing; requisites.
8-208. Application to be filed; open to inspection; forfeiture of permit for false statement.
8-209. Classes of permits.
8-210. Grounds for denial of a permit.
8-211. Permits prohibited within certain areas.
8-212. Posting of permit.
8-213. Prohibited hours of sale.
8-214. Permit may be suspended or revoked for cause.
8-215. Transfer of permits prohibited; notice to board of transfer of beer business ownership required.
8-216. Application of new owner.
8-217. Expiration of permit; surrender to board.
8-218. Restrictions on permit holders.
8-219. Wholesalers and manufacturers to sell, etc., only to retailers.
8-220. Regulations on the sale of beer to minors.
8-221. Privilege tax.
8-222. Each violation constitutes a separate offense.
8-223. Prior permit holders.
8-224. Violations and penalty.

8-201. Beer board created. There is hereby created a board, which shall be known and designated as the Beer Board of the City of Eagleville, Tennessee. Such board shall be composed of the City Council of the City of Eagleville, Tennessee. (Ord. #09-01, June 2009)

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[1]State law reference

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

8-202. Organization and meetings. The board shall organize by the election of a chairman and secretary. The board shall meet at such times as the members shall prescribe. All meetings shall be held in the municipal building at an hour fixed by the board. Minutes shall be kept of the meetings in permanent form and a record shall be kept of the action of the board with respect to every application for a beer permit. The presence of a majority of the members shall constitute a quorum and the concurring vote of the majority present at any meeting of the board shall be necessary to approve or revoke any beer permit. The minute book of the board shall be a public record, and shall become a part of the records of the city recorder. (Ord. #09-01, June 2009)

8-203. Powers and duties of the beer board.[1] The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (Ord. #09-01, June 2009)

8-204. Procedures of the board. The beer board is authorized and empowered to adopt such reasonable rules and regulations as a majority thereof may deem necessary and proper for the operation and supervision of the business of the permittees in conformity with the provisions of this chapter. (Ord. #09-01, June 2009)

8-205. "Beer" defined. The term "beer" used in this chapter shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101.

8-206. Beer permit required; application fee. 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 accompanied by a non-refundable application fee pursuant to Tennessee Code Annotated, § 57-5-101(b), as well as any costs of publication required under § 8-207 in the form of a cashier's check payable to the city. (Ord. #09-01, June 2009, modified)

8-207. Applications; time for filing; requisites.[2] All applications for a beer permit shall be made on a form prescribed by the board in conformity with the requirements of this section.

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[1]State law reference
Tennessee Code Annotated § 57-5-106.

[2]State law reference
Tennessee Code Annotated § 57-5-103.

Before the beer board shall issue a license or permit under this section, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such license and permit and the date and time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a public hearing for the purpose of hearing the statement of any person or his attorney on any application for a license or permit.

All applications for any permits required hereunder shall be verified by oath and affidavit, and shall establish the following:

(1) That neither the applicant nor any person or persons employed by him/her in such distribution or sale has been convicted of any violation of the statutes of Tennessee or any other state prohibiting the possession, sale, manufacture or transportation of intoxicating liquors, or any other crime involving moral turpitude in the past ten (10) years or have been convicted of any crime classified as a felony under the statutes of Tennessee or any other state. This section would not be applicable to servers with a certification from Alcoholic Beverage Commission per Tennessee Code Annotated § 57-5-106.

(2) That no sale shall be made to any person under the age of twenty-one (21) years, nor shall any person under the age of eighteen (18) be employed directly in the sale or distribution of such beverages.

(3) That no person under the age of twenty-one (21) shall be allowed to loiter about the applicant's premises, provided that persons under that age shall be allowed a reasonable amount of time to consume their meals and nonalcoholic beverages.

(4) That no sale shall be made to persons intoxicated or who are feeble-minded, insane or otherwise mentally incapacitated.

(5) That the applicant is of good character and has a sufficient legal interest in a suitable location as to entitle the applicant to conduct the sale of beer at such place of business.

(6) That in the place of business where such beverages will be sold or distributed, no loud, unusual or obnoxious noises will be allowed, and that the applicant shall conduct such place of business otherwise in an orderly, peaceful, and lawful manner.

(7) That if the application is for an "on-site" permit, the primary business of the applicant on the premises for which the beer permit is requested is the sale of prepared food to be consumed on the premises and that less than thirty percent (30%) of the applicant's income on the premises will be from the sale of beer. (Ord. #09-01, June 2009, modified)

8-208. Application to be filed; open to inspection; forfeiture of permit for false statement. The application shall at all times be kept on file by said board, shall be open to inspection of the general public, and any person, firm, corporation or association making false statement of the material facts in

the application shall forfeit the permit and shall not be eligible to receive any permit for a period of ten (10) years thereafter. (Ord. #09-01, June 2009)

8-209. Classes of permits. There shall be four (4) classes of permits issued by the beer board as follows:

(1) Class A. An "off-site" permit to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or other persons upon or near the premises of such seller.

The monthly beer sales of any Class A permit holder which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding thirty percent (30%) of its gross sales shall have its beer permit suspended or revoked in accordance with the provisions in this chapter.

(2) Class B. An "on-site" permit to any person or legal organization engaged in the operation of a restaurant wherein the sale of beer is for consumption on the premises. A restaurant shall be defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than thirty percent (30%) of its income is from the sale of beer.

(3) Class C. A temporary permit may be issued at the request of an applicant through the same process governing permanent permits, except that the posting of a sign on the premises shall not be required as part of the application process, and the beer board shall determine and specify the terms and conditions for issuance of each temporary permit. Temporary permits may be issued for periods of time not to exceed a total of thirty (30) days during any consecutive twelve (12) month period under the same permit and application. Temporary permits may be issued by the beer board for scheduled sporting, recreation, amusement, dining, entertainment and other similar events and activities and shall specify with reasonable particularity the premises on which the permit shall be valid and the time or times during which the permit shall be valid. If events covered by a temporary permit will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the temporary permit application. Except when the members of the beer board and the members of the city council are one and the same, no such permit shall allow the sale, storage, dispensing, serving, distribution, or manufacture of beer on publicly owned or controlled property, or on public right-of-way, unless additionally approved by the city council. The beer board is authorized to place any and all limitations or restrictions it deems necessary on temporary permits, including but not limited to hours of sales and number of locations. Should special called meetings of the beer board be necessary to consider temporary permit applications or follow-up applications other than days and times that the beer board or city council are scheduled to meet, the applicant will be required to pay the same fee for special called meetings as prescribed in the city's current fees schedule. Temporary permits shall be issued as one (1) of two (2) types:

(a) Single event permit. A single event permit shall be valid for a maximum of thirty (30) days, with the actual number of days and the specific times each day to be determined by the beer board based upon the information provided by the applicant.

(b) Multiple event permit. A multiple event permit may be issued for a fixed number of events during a calendar year. The exact dates and locations of each event must be approved by the beer board at the time of issuance of the permit, or if exact dates or locations are not known at the time of permit issuance, subsequent approval at a future beer board meeting must be obtained prior to the event. Each beer board meeting that is necessary to consider previously unknown dates or locations under this section require the payment of an additional fifty dollar ($50.00) application fee, which must be submitted with a request and description of the event three weeks prior to the next scheduled or called beer board or city council meeting in which the issue is intended to be taken into consideration. The applicant shall also pay the city for the additional cost of each related publication. (Ord. #09-01, June 2009, as amended by Ord. #2011-05, Aug. 2011, and Ord. #2015-09, July 2015)

8-210. Grounds for denial of a permit. No application for permit for the sale of beer shall be approved where in the reasonable determination of the board such sale would cause a dangerous congestion of traffic or interfere with the peaceful and orderly operation of schools, churches, playgrounds, parks, or other places of public gathering, or where the applicant has once held a permit and it has been revoked less than one (1) year from the time of his present application, or where it would otherwise interfere with the public health, safety and morals. (Ord. #09-01, June 2009)

8-211. Permits prohibited within certain areas. (1) No permit shall be issued to an applicant whose location:

(a) Is upon property having a common boundary line with the property upon which a church, school, public park or public playground is located; or

(b) Is upon property, any portion of which is perpendicularly across any street from property upon which a church, school, public park or public playground is located.

(2) No permit shall be issued to an applicant whose location is within two hundred fifty feet (250') from any church, school, public park or public playground.

(3) In determining the distance under this section, measurement shall be from the center of the main entrance of a structure, or facility, in case of a public park or public playground following a straight line, to the center of the main entrance of the potential permittee. (Ord. #09-01, June 2009)

8-212. Posting of permit. The permit showing the payment of the permit fee issued shall be conspicuously posted in the house, building, room or place where the business authorized by the permit is conducted. (Ord. #09-01, June 2009)

8-213. Prohibited hours of sale. The prohibited hours of sale for all classes of permit holders shall be:

(1) Weekdays and Saturdays: 3:00 A.M. until 6:00 A.M.; and

(2) Sundays: 3:00 A.M. until 10:00 A.M. (Ord. #09-01, June 2009, as amended by Ord. #2015-02, Jan. 2014)

8-214. Permit may be suspended or revoked for cause. (1) All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of this chapter.

(2) The board created by this chapter is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked for the violation of the provisions of this chapter.

(3) Complaints filed against any permit holder for the purpose of suspending or revoking such permit shall be made in writing filed with the board when the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter. The board is authorized, in its discretion, to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violation. Said notice to appear and show cause shall state the alleged violation as charged, and shall be served upon the permittee either by registered letter or by a member of the Police Department of the City of Eagleville, Tennessee. The notice shall be served upon the permittee at least ten (10) days before the date set for the hearing. At the hearing, the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The beer board has the option at the time it imposes a suspension or revocation of offering the permit holder the alternative of paying a civil penalty not to exceed one thousand five hundred dollars ($1,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty of one thousand dollars ($1,000.00) for any other violation of this chapter. If a civil penalty is offered as an alternative to suspension or revocation, the permit holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension is effective. If the civil penalty is paid within that time, the revocation or suspension shall be withdrawn. The action of the board in all such hearings shall be final, subject only to review by

the court as provided in Tennessee Code Annotated § 57-5-109. (Ord. #09-01, June 2009)

8-215. Transfer of permits prohibited; notice to board of transfer of beer business ownership required. The transfer of a beer permit to any other person, firm or corporation is prohibited. However, any person, firm or corporation holding a beer permit under this chapter who proposes to sell or otherwise transfer the business to another person, firm or corporation with the intention or expectation that the buyer or transferee will engage in the business of selling beer at the same location shall be required to notify the beer board of his or her intention to sell or transfer the business. (Ord. #09-01, June 2009)

8-216. Application of new owner. The board shall be furnished with the name of the proposed buyer or transferee, who shall be required to make application for a permit to the board. Such application shall conform to the requirements for other applications for permits as set out in this chapter. (Ord. #09-01, June 2009)

8-217. Expiration of permit; surrender to board. Any permit issued for the sale of beer under this chapter shall become invalid and void at 12:00 midnight of the date on which any holder of a permit ceases to operate the business for which said permit was issued. This provision shall not apply to temporary absences of the permittee, but shall apply when said permittee permanently ceases operations under his permit. Said permittee shall within five (5) days from the date on which he ceases to do business under the permit surrender said permit to the city recorder. (Ord. #09-01, June 2009)

8-218. Restrictions on permit holders. It shall hereafter be unlawful for any person, firm, or corporation or association to engage in the business regulated hereunder to make or permit to be made any sales or distribution of such beverages to minors; to allow any minor to loiter about such place of business, and the burden of establishing the age of any such minor shall be upon the owner or operator of such place of business; to employ minors directly in the sale of such beverages; to sell or distribute such beverages to persons who are feeble-minded, intoxicated, insane or otherwise mentally incapacitated; to allow consumption of beverages regulated hereunder upon the premises of seller unless a Class B permit has been issued for such premises; to employ any person who has been convicted of any violation of the state statutes prohibiting the sale, possession, manufacture and transportation of alcoholic beverages or any other crime involving moral turpitude within the past ten (10) years. (Ord. #09-01, June 2009)

8-219. Wholesalers and manufacturers to sell, etc., only to retailers. It shall be unlawful for any wholesaler, distributor or manufacturer

of beer, or any of their salesmen or representatives, to sell or deliver beer in or out, or from delivery vehicles, to any persons other than holders of valid retail permits and it shall be the duty of such wholesaler, distributor or manufacturer, their salesmen or representatives, to ascertain whether or not such purchaser is a holder of a valid beer permit. (Ord. #09-01, June 2009)

8-220. Regulations on the sale of beer to minors. (1) Purchase of beer by minors prohibited. It shall be unlawful for any minor to purchase or attempt to purchase beer, and it shall be unlawful for any minor to present or offer to a permittee, his agent or employee, any written evidence of his or her age, which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or attempting to purchase beer.

(2) Purchase of beer for minor prohibited. It shall be unlawful for any person to purchase beer for a minor.

(3) Identification required prior to sale. Any person, before purchasing or attempting to purchase beer, is required to furnish to the permittee, his or her agent or employee, a photo identification produced by the State of Tennessee, or by any other state or territory of the United States, or any other country of the world, which contains the birth date of the person.

(4) Permittees shall prominently display on or near the cash register where payment for the sale of beer is made and recorded, and on the beer cooler or where beer is merchandised, signs not less than six inches (6") high and ten inches (10") wide, which state: "A MINOR WHO PURCHASES OR ATTEMPTS TO PURCHASE BEER SHALL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW." (Ord. #09-01, June 2009)

8-221. Privilege tax.[1] There is imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars ($100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 2010, and each successive January 1 to the City of Eagleville, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #09-01, June 2009)

8-222. Each violation constitutes a separate offense. Each sale or distribution of beer in violation of the provisions of this chapter shall constitute a separate offense on the part of each and all persons, firms, corporations or other legal entity participating therein. (Ord. #09-01, June 2009)

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[1]State law reference
Tennessee Code Annotated § 57-5-104(b).

8-223. Prior permit holders. Any person, firm, corporation, or legal entity heretofore issued a permit for the sale of beer by the city council of the City of Eagleville, Tennessee, and conducting sales under such permit on the effective date of this chapter shall, in order to continue such sales, be required to apply for a permit for the sale of beer within the municipality under the provisions of this chapter within twenty (20) days from its passage.

Be it further enacted and ordained that in the event any part of this chapter shall be declared invalid for any reason, the remainder of said chapter shall remain in full force and effect and not be affected thereby. (Ord. #09-01, June 2009)

8-224. Violations and penalty. Any person in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to fine or jail sentence in accordance with the general penalty provision in this code of ordinances. (Ord. #09-01, June 2009, modified)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER
1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. WRECKER SERVICES.
7. YARD SALES.
8. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1

MISCELLANEOUS

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

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days, he shall prima facie be deemed to have violated this section. (2004 Code, § 9-101)

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

CHAPTER 2

PEDDLERS, ETC.[1]

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser 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. (2004 Code, § 9-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (2004 Code, § 9-202)

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

(1) Name and physical description of applicant.

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

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

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[1]Municipal code reference
Privilege taxes: title 5

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

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

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

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

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

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of twenty-five dollars ($25.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (2004 Code, § 9-203)

9-204. Issuance or refusal of permit. (1) Each application shall be investigated. The investigator shall report his findings within seventy-two (72) hours.

(2) If as a result of such investigation the applicant's moral reputation and/or business responsibility is found to be unsatisfactory, he will be notified that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the report indicates that the moral reputation and business responsibility of the applicant are satisfactory, he will be issued a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city shall keep a permanent record of all permits issued. (2004 Code, § 9-204)

9-205. Appeal. Any person denied 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. (2004 Code, § 9-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the municipality 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 City of Eagleville 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 municipality 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 municipality 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. 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. (2004 Code, § 9-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality 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. (2004 Code, § 9-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (2004 Code, § 9-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (2004 Code, § 9-209)

9-210. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (2004 Code, § 9-210)

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

(3) When it is reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (2004 Code, § 9-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (2004 Code, § 9-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (2004 Code, § 9-213)

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. Trespassing.
9-306. Roadblocks.
9-307. Violations and penalty.

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 recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (2004 Code, § 9-301)

9-302. Prerequisites for a permit. The recorder 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. (2004 Code, § 9-302)

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. (2004 Code, § 9-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any police officer or person solicited. (2004 Code, § 9-304)

9-305. Trespassing. It shall be unlawful and deemed to be trespass for any permittee acting under this chapter to fail to leave promptly the private premises of any person who requests or directs him to leave. (2004 Code, § 9-305)

9-306. Roadblocks. Application to and approval of the city council shall be required before the use of a roadblock is permitted during any solicitation. (2004 Code, § 9-307)

9-307. Violations and penalty. Any person violating any provisions of this chapter or making a false or fraudulent statement either in his application for a permit or in the process of making a solicitation shall be subject to the penalty provided in the general penalty clause for this municipal code. In addition to or in lieu of any pecuniary penalty, if a violator has been issued a permit, his permit shall be cancelled and revoked by the court. (2004 Code, § 9-306)

CHAPTER 4

POOL ROOMS

SECTION

9-401. Prohibited in residential areas.

9-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located within residential areas within the corporate limits of the City of Eagleville. (2004 Code, § 9-501)

CHAPTER 5

CABLE TELEVISION[1]

SECTION
9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service may be furnished to the City of Eagleville and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of Eagleville 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. (2004 Code, § 9-601, modified)

[1]For complete details relating to the cable television franchise agreement see Ord. #7-101, dated February 27, 2007, in the office of the city recorder.

CHAPTER 6

WRECKER SERVICES[1]

SECTION

9-601. Definition of terms.
9-602. Purpose and intent of chapter.
9-603. Wrecker franchise and privilege license requirement.
9-604. Requirements as to application and hearing.
9-605. Liability insurance or bond required.
9-606. Revocation or suspension of franchise.
9-607. Mechanical condition of vehicles.
9-608. Equipment required.
9-609. Inspection of vehicles.
9-610. License and permit required for drivers.
9-611. Rotating schedule.
9-612. Use of scheduled service.
9-613. Use of owner-requested services.
9-614. Acceptable response time.
9-615. Revocation or suspension of driver's permit.
9-616. Wreckers not to be used for illegal purposes.
9-617. Miscellaneous prohibited conduct by drivers.
9-618. Schedule of rates.
9-619. Street cleaning.
9-620. Storage of towed vehicles.
9-621. Retrieving of towed vehicles.

9-601. Definition of terms. For purposes of this chapter, the following terms shall be defined as follows:

(1) "Cruising." The driving of a wrecker on the streets, alleys, or public places of the city in a fashion or manner calculated for the purpose of soliciting business.

(2) "Driver." Any person driving a wrecker upon the streets and roads of the city.

(3) "License." A license issued by the chief of police or his designee authorizing the holder thereof to engage in the business of providing wrecker or towing service within the city.

(4) "Permit." A permit required and issued by the city to a licensee for each wrecker operated by the licensee under the authority of a license.

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[1]Municipal code reference
Privilege tax: title 5, chapter 2.

(5) "Rate card." A rate card issued by the city for display in each wrecker which contains the mandatory rates or charges then in force.

(6) "Rates and charges." Any charges assessed for transporting, towing, or conveying a vehicle by a wrecker and storage of said vehicle.

(7) "Schedule of wrecker services." A list of licensed wrecker services who have applied to the chief of police to be placed on a rotating schedule for towing of unattended or abandoned vehicles or vehicles involved in accidents, custodial arrests, or where operator is unable to operate said vehicle safely. Said members of schedule must provide twenty-four (24) hour service.

(8) "Wrecker." A public motor vehicle constructed on a truck chassis with lifting devices operated by mechanical power and employed or used for the purpose of towing, transporting, conveying, or removing any and all kinds of vehicles which are unable to be or actually are not operated under their own power. (2004 Code, § 9-701)

9-602. Purpose and intent of chapter. It is hereby declared to be the purpose and intent of this chapter to regulate all wreckers, towing services, and wrecker services doing business for the city. The provisions of this chapter shall not apply to a wrecker service located outside the territorial jurisdiction of the city and which occasionally passes through the city. (2004 Code, 9-702)

9-603. Wrecker franchise and privilege license requirement. It shall be unlawful for any person to engage in the wrecker business unless he has first obtained a wrecker franchise from the city and has a currently effective privilege license. (2004 Code, § 9-703)

9-604. Requirements as to application and hearing. No person shall be eligible for a wrecker franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for wrecker franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of wreckers the applicant desires to operate, the makes and models of said wreckers, and such other pertinent information as the chief of police may require. Within ten (10) days after receipt of an application, the chief of police shall make or cause to be made a thorough investigation of the applicant to determine if there is a public need for additional wrecker service and whether or not to grant the franchise for additional service, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional wrecker franchise. (2004 Code, § 9-704)

9-605. Liability insurance or bond required. No wrecker franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount

equal to three hundred thousand dollars ($300,000.00) or that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12, whichever is greater. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the city. (2004 Code, § 9-705)

9-606. Revocation or suspension of franchise. The chief of police or his designee may revoke or suspend any wrecker franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the wrecker owner or any driver. (2004 Code, § 9-706)

9-607. Mechanical condition of vehicles. It shall be unlawful for any person to operate any wrecker in the city unless such wrecker is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to 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 the safety of the public and the continuous satisfactory operation of the wrecker, as described in the wrecker service inspection guidelines provided by the chief of police or his designee to each franchise holder. (2004 Code, § 9-707)

9-608. Equipment required. At the time of application for a license, the chief of police or his designee shall direct that the applicants be furnished in writing a list of such equipment as the chief of police deems minimum equipment, and the licensee shall carry and have available at all times and in good working order such minimum equipment until a new list is furnished the licensee. Such list of equipment as furnished shall include but may not be limited to fire extinguishers, crowbars, shovels, brooms, axes, flags, and reflectors. (2004 Code, § 9-708)

9-609. Inspection of vehicles. All wreckers shall be inspected at least semiannually by the chief of police or his designee to insure that they comply with the requirements of this chapter with respect to mechanical condition, equipment, etc. (2004 Code, § 9-709)

9-610. License and permit required for drivers. No person shall drive a wrecker unless he is in possession of the appropriate state driver's license and a current city permit. No wrecker may be operated as part of the city rotation schedule without a current rate card visibly displayed inside the cab of the wrecker. (2004 Code, § 9-710)

9-611. Rotating schedule. A rotating schedule will be prepared on a calendar year basis by the chief of police or his designee showing a weekly rotation of each service. This schedule will be amended as services are approved or omitted from the list of scheduled services. An updated copy of the rotation schedule will be presented to each scheduled wrecker service before it becomes effective. (2004 Code, § 9-711)

9-612. Use of scheduled service. Scheduled services will be used exclusively on all abandoned and all unattended vehicles which in the opinion of a duly authorized police officer are in violation of the municipal code. (2004 Code, § 9-712)

9-613. Use of owner-requested services. The choice of the owner or operator will be honored if, in the opinion of the police officer in charge, the owner or operator is competent to make a responsible decision. If, in the opinion of the officer in charge, the owner or operator is unable to make a responsible decision, the scheduled service will be requested. In all cases, however, if in the opinion of the officer in charge, there is sufficient danger due to road hazard or other just cause, the officer in charge may insist on the scheduled service. (2004 Code, § 9-713)

9-614. Acceptable response time. Up to three (3) local public service telephone numbers will be made available to the chief of police or his designee for each service. Upon a request for a wrecker, each of these numbers, in order given, will be attempted by the police dispatcher. The dispatcher will allow five (5) rings at each number before going on to the next number. If contact is not made on all three (3) numbers, the next scheduled service will be attempted. The time of actual contact will be logged on the official radio log of the Eagleville Police Department. After fifteen (15) minutes have passed, if the wrecker has not arrived on the scene, the next scheduled service may be summoned. In this event, the original service summoned will not be allowed to make the tow and will receive no compensation for the call. Five (5) missed calls in any one (1) calendar month is justification for elimination from the schedule for a period of six (6) months. The time of contact on the original call that is to be logged on the police log will be used on scheduled calls to determine the rate to be charged. (2004 Code, § 9-714)

9-615. Revocation or suspension of driver's permit. The chief of police, or his designee, may revoke or suspend any wrecker driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-610. (2004 Code, § 9-715)

9-616. Wreckers not to be used for illegal purposes. No wrecker shall be used for or in the commission of any illegal act, business, or purpose. (2004 Code, § 9-716)

9-617. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any wrecker driver, while on duty, to be under the influence of or to drink any intoxicating beverage or beer; to use profane or obscene language; unnecessarily to blow the automobile horn; or otherwise unreasonable to disturb the peace, quite, and tranquility of the city in any way. (2004 Code, § 9-717)

9-618. Schedule of rates. Towing, transporting, and storage rates shall be set by the city and shall not be exceeded unless written authorization is agreed to by the wrecker service and the owner or operator of the vehicle. (2004 Code, § 9-718, modified)

9-619. Street cleaning. Wrecker personnel shall be required to remove all debris from the city right-of-way before leaving the scene. (2004 Code, § 9-719)

9-620. Storage of towed vehicles. Vehicles towed for violation of city ordinances requiring storage will be taken to the franchise holder's lot unless otherwise requested by the ranking police officer on the scene. Vehicles and contents on franchise holder's lots are the total responsibility of the franchise holder. This responsibility will begin upon the signing of a "tow-in" form prescribed by the chief of police. (2004 Code, § 9-720)

9-621. Retrieving of towed vehicles. Persons retrieving towed vehicles must first have release of vehicle from the City of Eagleville. All wrecker services on twenty-four (24) hour rotating schedule must allow vehicles to be retrieved on a twenty-four (24) hour basis. (2004 Code, § 9-721)

CHAPTER 7

YARD SALES

SECTION
9-701. Definition.
9-702. Advertisement signs.
9-703. Removal of signs.
9-704. Violations and penalty.

9-701. Definition. Any offering for sale to the general public of goods from a place not normally engaging in such business shall be considered a yard sale. Continuing sales from the same location shall be considered a business and require that the provisions of title 5, chapter 2 of this code be followed. (2004 Code, § 9-801)

9-702. Advertisement signs. Advertisement signs shall be placed only in locations not blocking the view of traffic and shall follow all state and local laws governing their placement. (2004 Code, § 9-802)

9-703. Removal of signs. All advertisement signs shall be removed from public rights-of-way within three (3) days of the conclusion of the yard sale. Failure to do so shall result in the general penalty clause for this code of ordinances being imposed. (2004 Code, § 9-803)

9-704. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to a penalty under the general penalty provision of this code.

CHAPTER 8

ADULT-ORIENTED ESTABLISHMENTS[1]

SECTION

9-801. Purpose.
9-802. Definitions.
9-803. License required.
9-804. Application for license.
9-805. Standards for issuance of license.
9-806. Permit required.
9-807. Application for permit.
9-808. Standards for issuance of permit.
9-809. Fees.
9-810. Display of license or permit.
9-811. Renewal of license or permit.
9-812. Revocation of license or permit.
9-813. Hours of operation.
9-814. Responsibilities of the operator.
9-815. Prohibitions and unlawful sexual acts.
9-816. Violations and penalty.

9-801. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. It is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

9-802. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment

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[1]State law references
Tennessee Code Annotated, §§ 7-51-1101–7-51-1122 and 7-51-1401–7-51-1407

is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment having as a substantial portion of its stock in trade ("substantial portion" meaning over twenty percent (20%) of floor area, or over twenty percent (20%) of inventory by units or value, or over twenty percent (20%) of revenues, or an inventory of two hundred (200) or more units) in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering.

Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers,

private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "City council" means the city council of City of Eagleville, Tennessee.

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:

(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;

(b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(I) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

9-803. <u>License required</u>. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Eagleville without first obtaining a license to operate issued by the City of Eagleville.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or

corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within on hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with.

9-804. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the City of Eagleville. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the recorder and to the applicant.

(2) The application for a license shall be upon a form provided by the police chief. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

(a) Name and addresses, including all aliases.

(b) Written proof that the individual(s) is at least eighteen (18) years of age.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) The applicants' height, weight, color of eyes and hair.

(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.

(f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of each applicant.

(i) The address of the adult-oriented establishment to be operated by the applicant(s).

(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.

(k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(l) The length of time each applicant has been a resident of the City of Eagleville, or its environs, immediately preceding the date of the application.

(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

(n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name.

(p) Evidence in form deemed sufficient to the city manager that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Eagleville Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the police chief shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the city council.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the city council at which time the applicant may present evidence as to why his/her license should not be denied. The council shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the city council and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Rutherford County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the police chief.

9-805. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age.

(ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under § 9-803 shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder required to be named under § 9-803 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Eagleville Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application.

9-806. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief.

9-807. Application for permit. (1) Any person desiring to secure an permit as an employee or entertainer shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(2) The application for a permit shall be upon a form provided by the police chief. An applicant for a permit shall furnish the following information under oath:

(a) Name and address, including all aliases.

(b) Written proof that the individual is at least eighteen (18) years of age.

(c) All residential addresses of the applicant for the past three (3) years.

(d) The applicant's height, weight, color of eyes, and hair.

(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or

similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefor, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

(g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant.

(i) The length of time the applicant has been a resident of the City of Eagleville, or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Eagleville Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the city council at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief.

9-808. <u>Standards for issuance of permit</u>. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

(a) The applicant shall be at least eighteen (18) years of age.

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Eagleville Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application.

9-809. Fees. (1) A license fee of five hundred dollars ($500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars ($100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned.

9-810. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Eagleville Police Department, or any person designated by the city council.

9-811. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(2) A license renewal fee of five hundred dollars ($500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars ($100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

(3) If the Eagleville Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and

must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(5) A permit renewal fee of one hundred dollars ($100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars ($50.00) shall be assessed against the applicant who files for renewal less that sixty (60) days before the license expires. If the application is denied one-half (1/2) of the fee shall be returned.

(6) If the Eagleville Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief.

9-812. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Rutherford County Health Department.

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The police chief, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the city council, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license.

9-813. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Monday through Saturday, and between the hours of 1:00 A.M. and 12:00 P.M. on Sunday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Eagleville Police Department, the Rutherford County Sheriff's Department, or such other persons as the city council may designate.

9-814. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the city council. The above information on

each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Eagleville Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Eagleville Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirely.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:
This Adult-Oriented Establishment is Regulated by the City of Eagleville Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

9-815. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

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

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

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

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

9-816. Violations and penalty. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars ($50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.

TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1

IN GENERAL

SECTION
10-101. Keeping in such manner as to become a nuisance prohibited.
10-102. Cruel treatment prohibited.
10-103. Rabies control for dogs.
10-104. Dogs to wear tags.
10-105. Running at large prohibited.
10-106. Property owner may impound.
10-107. Person designated to take possession.
10-108. Owner to pick up.
10-109. Officer may impound.
10-110. Disposition of small animals.
10-111. Disposition of large animals.
10-112. Inspections of premises.

10-101. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of noise, odor, contagious disease, or other reason. (2004 Code, § 10-101)

10-102. Cruel treatment prohibited. It shall be unlawful for any person to abuse or injure any dumb animal or fowl. (2004 Code, § 10-102)

10-103. Rabies control for dogs. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law," Tennessee Code Annotated §§ 68-8-101 to 68-8-114, or other applicable law. (2004 Code, § 10-103)

10-104. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (2004 Code, § 10-104)

10-105. Running at large prohibited.[1] It shall be unlawful for any person knowingly to permit any animal owned by him or under his control to run at large within the corporate limits to the injury or annoyance of others, and it shall be unlawful for such animals to be permitted at large upon the streets or other public ways of the city. Such action is declared to be a nuisance and dangerous to the public health and safety. (2004 Code, § 10-105)

10-106. Property owner may impound. Any person finding any animal upon his property to his injury or annoyance may take up same and remove it to an animal shelter. In the case of an animal displaying threatening or dangerous behavior, such person may hold the animal in his own possession, and as soon as possible notify the police department or the Rutherford County Animal Control officials of this custody, giving a description of the animal and the name of the owner if known. (2004 Code, § 10-106)

10-107. Person designated to take possession. The police department as soon as possible after receiving notice will dispatch a person to the premises and to take a report of the incident. The police department shall also contact the Rutherford County Animal Control Department and shall provide a copy of the incident report to the Rutherford County Animal Control Department within ten (10) days of the incident. (2004 Code, § 10-107)

10-108. Owner to pick up. If the person dispatched has or with reasonable dispatch can obtain the name of the owner or custodian of the animal, he will return the animal to the owner's or custodian's address. If there is no one at the address, he will leave a notice where the owner or custodian may reclaim the property. He will then proceed to the animal shelter approved by the city. In either case, he will then secure or cause to be secured and serve or have served a warrant on the owner or custodian for permitting the animal to run at large. (2004 Code, § 10-108)

10-109. Officer may impound. Any police officer or other person dispatched by the city for such purpose is authorized to capture and impound any animal found at large. Impounding is to be in accordance with the procedure authorized by this chapter. In the event capture cannot be effected promptly, the officer or person is authorized to destroy the animal. (2004 Code, § 10-109)

10-110. Disposition of small animals. Any dog or cat found running at large or otherwise being kept in violation of this chapter seized by any police officer or other properly designated official may be impounded in a pound

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[1]State law reference
Tennessee Code Annotated §§ 68-8-108 and 68-8-109.

designated by the city council. For the pound in Rutherford County, any dog or cat impounded that has a current vaccination tag will be kept for a period of five (5) business days and, if not redeemed within such period, may be placed up for adoption or humanely destroyed or otherwise disposed of. Any dog or cat without a current vaccination tag shall be kept for three (3) business days and, if not claimed or redeemed may be placed up for adoption, humanely destroyed or otherwise disposed of.

10-111. Disposition of large animals. Should any officer or designated person upon call or upon his own initiative pick up a large animal such as a horse, cow, mule, or any other animal not acceptable by any animal shelter, he is authorized to call a trucking firm or company. The firm or company will convey the animal outside the corporate limits to one of the farms which has a working agreement with the city to handle such cases. The disposition of the animal in this case shall be handled in the same manner as previously described for small animals. (2004 Code, § 10-110)

10-112. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (2004 Code, § 10-111)

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Rabies vaccination and registration required.
10-202. Dogs to wear tags.
10-203. Running at large prohibited.
10-204. Vicious dogs.
10-205. Noisy dogs prohibited.
10-206. Confinement of dogs suspected of being rabid.
10-207. Seizure and disposition of dogs.
10-208. Destruction of vicious or infected dogs running at large.
10-209. Violations and penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 to 68-8-113) or other applicable law.

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

10-203. Running at large prohibited.[1] It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

10-204. Vicious dogs.[2] (1) Definition of terms:

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[1]State law reference
Tennessee Code Annotated, § 68-8-107.

[2]See cases stating the state's authority to regulate vicious dogs: State of Tennessee v. Denver Hartly, 15 TAM 23-2 (Tenn. S. Ct. 1990), and Darnell v. Shappard, 3 S.W.2d 661 (1928).

(a) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(b) "Vicious dog" means:

(i) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(ii) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or

(iii) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting;

(v) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(c) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(2) Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(3) Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(4) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a

vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(5) Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(6) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of this section provide proof to the city/town clerk of public liability insurance in the amount of at least one hundred thousand dollars ($100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog.

(7) Penalties. Whoever violates any provision of this section shall be guilty of a gross misdemeanor and may be punished by a fine of not less than ten dollars ($10.00) and not more than fifty dollars ($50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt.

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

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid.

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

Any new owner adopting a dog that has not been spayed or neutered must pay a twenty-five dollar ($25.00) deposit before a dog may be released, as required by the Tennessee Spay/Neuter Law.[1] (modified)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.[2]

10-209. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

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[1]State law reference

Tennessee Code Annotated, § 44-17-501, et seq., "The Tennessee Spay/Neuter Law," prohibits persons from adopting a dog or cat from an agency (pound, animal shelter, etc.) operated by a municipality unless the dog or cat was already spayed or neutered, was spayed or neutered while in the custody of the agency, or the new owner signs a written agreement to have the animal spayed or neutered within 30 days of the adoption if the animal is sexually mature, or within 30 days after the animal reaches six (6) months of age if it is not sexually mature.

Before an agency may release an animal which has not been spayed or neutered it must collect a twenty-five dollar ($25.00) deposit from the new owner to ensure compliance with the law. If the new owner does not comply with the law, the deposit is forfeited and the agency may file a petition in court to force the new owner to either comply with the law or return the animal.

An agency may not spay or neuter a dog or cat that is returned to its original owner within seven (7) days of its being taken into custody by the agency.

[2]State law reference

Tennessee Code Annotated, § 44-17-301, et seq.

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER
1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.
7. MISDEMEANORS OF STATE ADOPTED.

CHAPTER 1

ALCOHOL[2]

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

11-101. Drinking beer, etc., on city streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place; except as may be otherwise authorized by the city.

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[1]Municipal code references
Animal control: title 10.
Fireworks and explosives: title 7.
Residential and utilities: title 12.
Streets and sidewalks (non-traffic): title 16.
Traffic offenses: title 15.

[2]Municipal 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. (2004 Code, § 11-301)

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 other device on any automobile, motorcycle, bus, truck, or 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, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or

disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

(e) Use of vehicle. The use of any automobile, motorcycle, 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 city 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 weekdays, 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 city manager or designee should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

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

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

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

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

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

(a) Any vehicle of the city while engaged upon necessary public business;

(b) Excavations or repairs of bridges, streets or highways by or on behalf of the city, the county or the state;

(c) Properly operating alarms on vehicles or structures;

(d) Authorized emergency vehicles;

(e) Vehicle horns used as a warning of danger;

(f) Public safety officials acting within the scope of their authority; or

(g) Community-wide public events, parades, or activities authorized to be held on city-owned property. (2004 Code, § 11-302, modified)

CHAPTER 3

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION
11-301. Escape from custody or confinement.
11-302. Impersonating a government officer or employee.
11-303. False emergency alarms.
11-304. Resisting or interfering with an officer.

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 city 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. (2004 Code, § 11-401)

11-302. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge or carry any identification card or other insignia of office like or similar to or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (2004 Code, § 11-402)

11-303. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (2004 Code, § 11-403)

11-304. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (2004 Code, § 11-404)

CHAPTER 4

FIREARMS, WEAPONS AND MISSILES

SECTION
11-401. Throwing missiles.
11-402. Discharge of firearms.

11-401. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (2004 Code, § 11-501)

11-402. Discharge of firearms. (1) It shall be unlawful for any person to discharge a firearm within the city limits, except as may otherwise be authorized by the state or its agencies.

(2) It shall be unlawful for any person to discharge within the city limits any air gun, air rifle, BB gun, or slingshot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method, except as may otherwise be authorized by the state or its agencies.

CHAPTER 5

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION
11-501. Trespassing.
11-502. Interference with traffic.

11-501. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (2004 Code, § 11-601)

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 unreasonably with the free passage of pedestrian or vehicular traffic thereon. This provision shall not be interpreted to apply to city employees or other governmental officials acting to discharge their duties. (2004 Code, § 11-603)

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. Use of name "Eagleville Police."

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. (2004 Code, § 11-701)

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. (2004 Code, § 11-702)

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. (2004 Code, § 11-703)

11-604. Curfew for minors. It shall be unlawful for any person, under the age of eighteen (18) years, to be abroad at night between 12:00 A.M. and 5:00 A.M. unless going directly 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. (2004 Code, § 11-704)

11-605. Use of name "Eagleville Police." It shall be unlawful for any individual, business, or corporation except the city, singly or in combination, to use the name and/or phrase "Eagleville Police" separately or in combination with any other words, names, or phrases or any abbreviations thereof, or to use any name, names, and/or phrases confusingly similar. (2004 Code, § 11-706)

CHAPTER 7

MISDEMEANORS OF STATE ADOPTED

SECTION

11-701. Misdemeanors of the state adopted.

11-701. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against the City of Eagleville also. Any violation of any such law within the corporate limits is also a violation of this section. (2004 Code, § 11-801, modified)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE.
2. PLUMBING CODE.
3. FUEL GAS CODE.
4. RESIDENTIAL CODE.
5. ENERGY CONSERVATION CODE.
6. MECHANICAL CODE.
7. EXISTING BUILDING CODE.
8. PROPERTY MAINTENANCE CODE.
9. ACCESSIBILITY CODE.
10. SWIMMING POOL SAFETY CODE.

CHAPTER 1

BUILDING CODE[1,2]

SECTION
12-101. Building code adopted.
12-102. Modifications.
12-103. Available in recorder's office.
12-104. Violations and penalty.

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

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[1]Municipal code references
Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

[2]Building permit fees and schedules, and any amendments thereto, are available in the office of the city recorder.

International Building Code,[1] 2012 edition, as published by the International Code Council, with amendments as listed, be and is hereby adopted as the building code in the City of Eagleville in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for human occupancy and use; the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said building code on file in the office of the City of Eagleville are hereby referred to, adopted, an made a part hereon, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any. (2004 Code, § 12-101, as amended by Ord. #2014-01, Feb. 2014)

12-102. Modifications. The building code is amended by:

Section 101.1 Title is hereby amended by adding "City of Eagleville, TN" in place of "[name of jurisdiction]."

Section 103.1 Creation of enforcement agency is hereby amended by deleting "The Department of Building Safety" and substitute "The Department of Building and Codes."

Section 104.10.1 Flood hazard areas is hereby amended by deleting this section in its entirety without substitution.

Section 105.2 Work exempt from permit is hereby amended by deleting #1 in its entirety and substitute the following: "Roof covering replacement where the repairs do not involve roof deck replacement and/or structural framing or the roofing system is the same as the existing."

Section 105 Permits (Mechanical) is hereby amended by adding as an 8th item: In accordance with the 2012 International Mechanical Code and its amendments.

Section 107.2.5.1 Design flood elevations is hereby amended by deleting this section in its entirety without substitution.

Section 109.4 Work commencing before permit issuance is hereby amended by deleting the last part of the sentence beginning with "...a fee established" and substitute "permit fees being doubled."

Section 110.3.10.1 Flood hazard documentation is hereby amended by deleting this section in its entirety without substitution.

Section 2308.8 Floor joists is hereby amended by deleting 2308.8(1) or 2308.8(2) and substitute R502.3.1.(1) and R502.3.1(2) respectively.

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

Section 2308.9.5.2 Header support is hereby amended by deleting 2308.9.5 and substitute R502.5(1).

Section 2308.9.6 Openings in interior bearing partitions is hereby amended by deleting Table 2308.9.6 (both places) and substitute R502.5(2). Deleted 2308.9.5 and substitute R502.5(1).

Section 23.08.9.6 Ceiling joist spans is hereby amended by deleting 2308.10.2(1) and substitute R802.4(1); delete 2308.10.2(2) and substitute R802.4(2).

Section 2308.10.3 Rafter spans is hereby amended by deleting 2308.10.3(1) and substitute R802.5.1(1); delete 2308.10.3(2) and substitute R802.5.1(2); delete 2308.10.3(3) and substitute R802.5.1(3); delete R2308.10.3(4) and substitute R802.5.1(4); delete 2308.10.3(5) and substitute R802. 5.1(5); delete 2308.10.3(6) and substitute R802.5.1(6). (Ord. #2014-01, Feb. 2014)

12-103. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2004 Code, § 12-104)

12-104. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation. (2004 Code, § 12-105, modified)

CHAPTER 2

PLUMBING CODE[1]

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, maintenance, removal, and demolition of every building or structure's plumbing or any appurtenance connected or attached to any building or structure, the International Plumbing Code,[2] 2012 edition, as published by the International Code Council, and any amendments thereto, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the plumbing code. (2004 Code, § 12-201, as amended by Ord. #2014-01, Feb. 2014)

12-202. Modifications. The plumbing code is amended by:

Section 102.8 is hereby amended by adding the following language at the end: "Appendix B Rates of Rainfall for various cities. Appendix D Degree Day and Design Temperatures. And Appendix F Structural Safety is hereby specifically adopted. All other appendices may be utilized at the discretion of the Building Official in accordance with Section 102.9 and 105.2."

Section 109 is hereby amended by deleting in its entirety and replacing with the following language: "Section 109 BOARDS OF APPEALS. The Board of Appeals as referenced in the building code shall be the "Construction Board of Adjustments and Appeals of Rutherford County, TN" and shall serve as the Board of Appeals for the plumbing code."

Section 305.4.1 is hereby amended by inserting "...18 inches..." into the blank fields.

Section 401 is hereby amended by adding the following subsection: "Section 401.4 Limited Access. Shower or bathtubs set head-to-head shall be prohibited unless adequate access is provided for repairs or maintenance."

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[1]Municipal code reference
Street excavations: title 16.

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

Section 412.3 Floor Drains is hereby amended by replacing "...2 includes..." with "...3 inches...."

Section 503.1 is hereby amended by substituting the following language. "Section 503.1 Cold water line valve: The cold water branch line from the main water supply line to each hot water storage tank or water heater shall be provided with a valve, and located in the same room or compartment as the hot water storage tank or hot water heater, and serving only the hot water storage tank or hot water heater. The valve shall not interfere or cause disruption of the cold water supply to the remainder of the cold water system."

Section 608 is hereby amended by adding the following subsection:

"Section 608.1.1 Valve and strainer. A strainer shall be required to protect the backflow preventer from foreign objects in the line installed in the horizontal position. A valve shall be installed downstream of the strainer to provide for servicing."

Section 705.4 is hereby amended by deleting and replacing with the following language: "Heel--or side-inlet quarter bends shall be an acceptable means of connection. Where the quarter bends serve a water closet, the inlet fittings shall be washed by a bathroom fixture group and be located directly below the water closet. Side-inlet quarter bends shall be an acceptable means of connection for drainage, wet venting and stack venting arrangements." Exception: "A low heel inlet shall not be used as a wet vent connection."

Table 719.1.(1) is hereby amended by adding footnote "b" which reads as follows: "b. Gravity flow building sewer lines shall be a minimum of four inch (4") piping."

Section 1003 is hereby amended by adding the following subsection: "Section 1003.3.4.2 Flow control devices installed in a concrete slab shall be provided with a removable access panel for repair or maintenance." (Ord. #2014-01, Feb. 2014)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2004 Code, § 12-204)

12-204. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation. (2004 Code, § 12-205, modified)

CHAPTER 3

FUEL GAS CODE

SECTION
12-301. Fuel gas code adopted.
12-302. Modifications.
12-303. Available in recorder's office.
12-304. Violations and penalty.

12-301. Fuel gas code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure's gas lines or any appurtenance connected or attached to any building or structure, the International Fuel Gas Code,[1] 2012 edition, as published by the International Code Council, and any amendments thereto, is hereby adopted and incorporated into this chapter as the technical section of the fuel gas code by reference as though fully copied, and is hereinafter referred to as the fuel gas code. (2004 Code, § 12-301, as amended by Ord. #2014-01, Feb. 2014)

12-302. Modifications. The fuel gas code is amended by:

Section 101.1 Title is hereby amended by addition "City of Eagleville, TN" in place of "[name of jurisdiction]."

Section 106.6.2 Fee Schedule. Delete this section and substitute the following: Fees shall be set by resolution and adopted by Eagleville, TN City Council.

Section 106.6.3 Fee refunds. Delete this section and substitute the following: Fee refunds shall be set by resolution and adopted by the Eagleville, TN City Council.

Section 623 Cooking Appliances. Add new Section 623.8 Commercial cooking appliance safeguard devices. All commercial gas fired cooking equipment, new or used, must be equipped with a flame safeguard device which shall automatically shut off the fuel supply to a main burner or group of burners when the means of ignition of such burners becomes inoperable. (Ord. #2014-01, Feb. 2014)

12-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated §§ 6-54-502, one (1) copy of the fuel gas code has

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2004 Code, § 12-304, modified)

12-304. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (2004 Code, § 12-305, modified)

CHAPTER 4

RESIDENTIAL CODE

SECTION
12-401. Residential code adopted.
12-402. Modifications; amendments.
12-403. Available in recorder's office.
12-404. Violations and penalty.

12-401. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of regulating the fabrication, erection, construction, enlargement, alterations, repair, location, and use of detached one- and two-family dwellings and their appurtenances and accessory structures, the International Residential Code for One- and Two-family Dwellings,[1] 2012 edition, with appendix G, H, J, and K as published by the International Code Council, and any amendments thereto, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the residential code. (2004 Code, § 12-401, as amended by Ord. #2014-01, Feb. 2014)

12-402. Modifications; amendments. The residential code is amended by:

R101.1 Title is hereby amended by adding "City of Eagleville, TN" in place of "[name of jurisdiction]."

Section R101.2 Scope is hereby amended in exception #1, delete the last sentence beginning with "fire...." In exception #2, delete the last part of the sentence beginning with "When..." and add a "." at the end of dwellings."

Section R103.1 Creation of enforcement agency is hereby amended by changing "Department of Building Safety" to "Building and Codes Department."

Section R105.2 Work exempt from permit is hereby amended by:

1. Delete the last part of the sentence beginning with "does" and add "is not greater than 120 square feet."

2. Delete in its entirety and substitute in lieu thereof "Roof covering replacement that does not involve replacement of roof deck or framing."

10. Delete in its entirety without substitution.

Gas is hereby amended by:

4. Add "Replacement of any gas appliance or equipment with the same input BTU when the installer has a State of Tennessee or City of Murfreesboro Tennessee Gas License."

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

Mechanical is hereby amended by:

9. Add "Replacement of an HVAC unit where unit heating and cooling capacity and fuel source is not changing."

Section R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard area.

Is hereby amended by deleting in its entirety without substitution. (This area controlled by FEMA Regulations and local Zoning Ordinance.)

Section R108.6 Work commencing before permit issuance is hereby amended by deleting the last portion of the sentence beginning with "a fee established..." and substitute "permit fees being doubled."

Section R112.1 General is hereby amended by deleting "Board of Appeals" and substitute "Construction Board of Adjustment and Appeals of Rutherford County, Tennessee."

Section R112.2.1 Determination of substantial improvement in flood hazard areas is hereby amended by deleting in its entirety without substitution.

Section R112.2.2 Criteria for issuance of a variance for flood hazard areas is hereby amended by deleting in its entirety without substitution.

Section R202 Definitions is hereby amended by adding "Sleeping Room: A room with a door at the entrance and a closet within the room."

Table R301.2(1) Climatic and Graphic Design Criteria is hereby amended as follows:

Ground Snow Load	10 lb.
Wind Speed	90
Topo Effects	No
Seismic Design	B
Weathering	Moderate
Frost Line	12"
Termite	Very Heavy
Winter Design Temp	14"
Ice Barrier	No

Section R302.1 Exterior Walls is hereby amended by adding the following to the beginning of the paragraph: "Exterior walls, projections, fireplaces, decks, HVAC equipment and overhangs shall not be within 5 feet of the side lot lines, except that an eave which is one hour fire rated on the underside, can extend 12" into the 5 foot setback. Townhomes, zero lot lines and structures on the same lot.

Section R302.2 Townhouses is hereby amended by: Exception change 1 hour to 2 hour.

Section R302.2.4. Structural independence is hereby amended by: Exception: change 1 hour to 2 hours.

Section R302.5.1 Opening protection is hereby amended by deleting "self-closing device" in the last sentence.

Section R309.3 Flood Hazard Areas is hereby amended by deleting in its entirety without substitution. (Regulations in the Zoning Ordinance).

Section R311.1.2 is hereby amended by adding new section to Means of Egress as follows: Section R311.1.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Section R313.1 Townhouse automatic fire sprinkler systems is hereby amended by adding the following to the end of the sentence: Fire Sprinklers are not required for 3 unit townhouses that are less than 5,000 square feet, three stories or less, and separated by 2 hour fire walls. (Per Tennessee Department of Commerce and Insurance, Fire Prevention Division.)

Section R313.2 One- and-two Family dwellings automatic fire systems is hereby amended by deleting this section in its entirety.

Note: If it is the desire of the Eagleville City Council to require automatic fire systems (sprinklers) for one- and two-family dwellings, it will take a motion from the Council to adopt this section and a 100% vote in support. As proposed this section is being deleted in its entirety and sprinklers will not be required. Deleting this section does not prevent a homeowner from choosing to install an automatic fire system in their dwelling.

Section R313.2.1 Design and installation is hereby amended by deleting this section without substitution.

Table amendments: Delete the following tables are hereby amended and in lieu thereof use the tables with the designation of April 2013 amendments:

Table R502.3.1(1)	Table R802.5.1(1)
Table R502.3.1(2)	Table R802.5.1(2)
Table R502.3.3(1)	Table R802.5.1(3)
Table R502.3.3(2)	Table R802.5.1(4)
Table R502.5(1)	Table R802.5.1(5)
Table R502.5(2)	Table R802.5.1(6)
Table R802.4(1)	Table R802.5.1(7)
Table R802.4(2)	Table R802.5.1(8)

Chapter 11 Energy efficiency is hereby amended by deleting this chapter in its entirety. (The 2009 International Energy Conservation Code will be used for energy efficiency requirements.)

Chapter 26 Plumbing.

Section P2603.5 Freezing is hereby amended by adding the following language "...and sanitary P traps..." in the first sentence after "...a water, soil or waste pipe..." and replace "...12 includes..." with "...18 inches..." in the last sentence.

Section P2603.5.1 is hereby amended by substituting the following language: "Building sewers connected to private sewage disposal systems shall be a minimum of 18" includes below finished grade at the point of connection. The depth of the service field lines shall comply with the requirements as set forth by the Rutherford County Environmental Office. If the outlet from the tank has a step down in grade to the service field lines, then the minimum required depth shall apply."

Section P2704.1 is hereby amended by adding the following sentence "Shower and bathtubs set head to head shall be prohibited except where adequate access is provided for repairs or maintenance" to the end of the section.

Section P2718.1 is hereby amended by adding the following language:

"The trap and fixture drain for the associated standpipe shall be a minimum of two (2") includes in diameter. The associated fixture drain shall be connected to a branch drain or drainage stack a minimum of three inches (3") in diameter.

Exception: A two (2") inch drain pipe is acceptable if no additional fixtures are connected."

Section P29202.1 is hereby amended by adding at the end of the following sentence: "A strainer is required to protect the backflow preventer from foreign objects in the line installed in the horizontal position. A valve shall be installed on the downstream side of the strainer to allow for servicing.

Section P2903.7 is hereby amended by modifying the first sentence by deleting "...diameter..." and adding the following language: "nominal diameter from the meter to the water heater."

Section P2903.9.1 is hereby amended by deleting the following phrase: "near the entrance of the water service." And replace it with "...accessible from the living portion of the dwelling unit."

Section P2903.9.3 is hereby amended by deleting the second sentence and replacing it with the following: "...An individual shutoff valve shall be required on the fixture supply pipe to each plumbing fixture, at or near the plumbing fixture, other than bathtubs and showers."

Section P3005.1.2 is hereby amended by substituting the following language: "Heel--or side-inlet quarter bends shall be an acceptable means of connection. Where the quarter bends serve a water closet, the inlet fittings shall be washed by a bathroom fixture group and be located directly below the water closet. Side-inlet quarter bends shall be an acceptable means of connection for drainage, wet venting and stack venting arrangements."

Exception: "A lot heel inlet shall not be used as a wet vent connection."

Section P3005.2.7 is hereby amended by deleting the following language from the second sentence: "...either inside or..."

Section P205.4.1 is hereby amended by adding a footnote "c" to read as follows: "No building sewer shall be less than four inches (4") in size.

Appendix G Swimming pools, spas and hot tubs. This appendix to be adopted and amended as follows:

Section AG109 Swimming Pool Alarms.

AG109.1 Alarm Requirement. All swimming pools installed or substantially altered at a residential dwelling on and after the effective date of January 1, 2011, shall be equipped with a properly functioning swimming pool alarm.

AG109.2 Definitions. For purposes of this section AG109, the terms "pool alarm," "residential dwelling," and "swimming pool" shall have the meanings established herein which are based on the definitions in T.C.A. § 68-14-801, et seq.

Pool alarm means a device which emits a sound of at least fifty decibels when a person or an object weighing fifteen pounds or more enters the water in a swimming pool, but shall not include, swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.

Residential dwelling means a one-family or two-family dwelling structure.

Swimming pool means any structure that is intended for swimming or recreational bathing and contains water over thirty-six (36") inches deep, including but not limited to, in-ground, above ground, and on-ground swimming pools, hot tubs, and non-portable spas, but does not mean a public swimming pool (defined as spa-type, wading, special purpose pools or water recreation attractions, including, but not limited to those operated at camps, child care facilities, cities, clubs, subdivisions, apartment buildings, counties, institutions, schools, motels, hotels, and mobile home parks to which admission may be gained with or without payment of a fee), nor does it mean a multi-family residential housing swimming pool (defined as a private swimming pool maintained by a homeowners' association solely for the use and benefit of the members of the homeowners' association and their guests).

AG109.3 Building Permits; Electrical Inspections. Based on the definitions in AG109.2, no Building Official shall issue a building permit for the construction or substantial alteration of a swimming pool alarm to be installed prior to the completion of the project. In addition, when an electrical inspection is required for the installation of a swimming pool at a residential dwelling, the electrical inspector shall not give final approval for the electrical wiring unless a properly functioning swimming pool alarm has been installed."

Appendix H Patio covers. This appendix to be adopted.

Appendix J Existing buildings and structures. This appendix to be adopted.

Appendix K Sound transmission. This appendix to be adopted. (Ord. ##2014-01, Feb. 2014)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2004 Code, § 12-403)

12-404. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. (2004 Code, § 12-404, modified)

CHAPTER 5

ENERGY CONSERVATION CODE[1]

SECTION

12-501. Energy conservation code adopted.
12-502. Modifications.
12-503. Available in recorder's office.
12-504. Violations and penalty.

12-501. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems to establish energy-efficient buildings using prescriptive and performance-related provisions which will make possible the use of new materials and innovative techniques that conserve energy, the International Energy Conservation Code,[2] 2009 edition, as published by the International Code Council, and any amendments thereto, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy conservation code. This code shall apply to one- and two-family dwellings and commercial buildings. (2004 Code, § 12-501, as amended by Ord. #2014-01, Feb. 2014)

12-502. Modifications. The energy conservation code is amended by:

Section 101.1 Title. Insert "City of Eagleville" in place of "[Name of Jurisdiction]."

Section 101.4.4 Change in occupancy of use is hereby amended by deleting this section in its entirety without substitution.

Section 103.1 General is hereby amended by adding the following sentence to the end of the first paragraph: "The Building Official may choose to accept a certification signed by a designer or contractor for compliance with this code for all structures except single family dwellings, townhomes and duplexes." (Note: Allows a licensed 3rd party inspection for commercial structures.)

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[1]State law reference

Tennessee Code Annotated § 13-19-106 requires Tennessee cities either to adopt the state code for energy conservation or to adopt local standards equal to or stricter than the standards in the energy conservation code.

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

Section 104.1 General is hereby amended by adding the following sentence to the end of the section: "The approval of the Building Official may be based on a certification by the designer or contractor as to compliance, as the Building Official may choose, for all structures except single family dwellings, townhomes and duplexes."

Section 107 Fees is hereby amended by deleting in its entirety without substitution.

Section 109 Board of Appeals. IECC Section 109; deleted and replaced to read as follows:

Section 109--CONSTRUCTION BOARD OF APPEALS

109.1 Applications for appeals shall be made to the Construction Board of Appeals of Rutherford County as authorized and provided for in the Building Code. (See the Building Code.) All references to the "Board" shall be deemed to refer to the Construction Board of Appeals of Rutherford County.

The Board shall have no authority to waive provisions required by State Law. The building official shall be the deciding individual as to whether a variance to the Energy Code would be a violation of State Law.

Section 202 General Definitions. Residential Building is hereby amended by deleting the existing definition and substitute the following: "This code includes single family dwellings, townhomes and duplexes."

Section 402.4.2 Air sealing and insulation is hereby amended by deleting the following: "...one of the following options given by..." and delete "...402.2.2." visual inspection.

Section 402.4.1 Testing option is hereby amended by deleting "option" from the title of the section. Also add the following to the end of the last sentence: "The test must be performed by a qualified person who is certified as or accredited from the following: HERS rater, Building Performance Institute, Certified Duct or Envelope Tightness Verifier, or other approved agency as determined by the Building Official. This test cannot be performed by the prime contractor as listed on the building permit or a direct employee of the prime contractor. A certification from the person performing the test shall be submitted with the following information:

"Address where test was performed Name of Company performing the test
Date when the test was performed Name of the Person performing the test
Results of test in A.C.H."

Section 403.2.2 Sealing (Mandatory) is hereby amended by adding the following sentence to the end of the 2nd sentence of the 1st paragraph: "The test must be performed by a qualified person who is certified as or accredited from the following: HERS rater, Building Performance Institute, Certified Duct or Envelope Tightness Verifier, or other approved agency as determined by the Building Official. A certification from the person performing the test shall be submitted with the following information:

"Address where test was performed Name of Company performing the test
Date when the test was performed Name of the Person performing the test

Results of test in A.C.H."
(Ord. #2014-01, Feb. 2014)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the energy conservation code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (2004 Code, § 12-503, modified)

12-504. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty that does not exceed state authorized maximum limits. Each day a violation is allowed to continue shall constitute a separate offense. (2004 Code, § 12-504, modified)

CHAPTER 6

MECHANICAL CODE

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

12-601. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every mechanical system or any appurtenance connected or attached to any building or structure, the International Mechanical Code,[1] 2012 edition, as published by the International Code Council, and any amendments thereto, is hereby adopted and incorporated in this chapter as the technical section of the mechanical code by reference as though fully copied herein, and is referred to as the mechanical code. (2004 Code, § 12-701, as amended by Ord. #2014-01, Feb. 2014)

12-602. Modifications. The mechanical code is amended by:

101.1 Title is hereby amended by adding "City of Eagleville, TN" in place of [name of jurisdiction]." (Ord. #2014-01, Feb. 2014)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2004 Code, § 12-704)

12-604. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation. (2004 Code, § 12-705, modified)

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

CHAPTER 7

EXISTING BUILDING CODE

SECTION
12-701. Existing building code adopted.
12-702. Modifications.
12-703. Available in recorder's office.
12-704. Violations and penalty.

12-701. Existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every existing building or structure or any appurtenance connected or attached to any building or structure, the International Existing Building Code,[1] 2012 edition, published by the International Code Council, and any amendments thereto, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the existing building code.

The provisions of this code shall apply to the installation, alteration, repair, and replacement of mechanical systems, equipment, appliances, fixtures, fittings and/or appurtenances for heating, ventilation, air conditioning, refrigeration, incineration, and other energy consuming systems. This code shall also apply to the installation of gas piping, gas appliances, and related accessories, extending from the point of delivery to the appliance for connected equipment. (2004 Code, § 12-1001, as amended by Ord. #2014-01, Feb. 2014)

12-702. Modifications. The Rutherford County Building and Codes Department shall act as the designated official by agreement. (2004 Code, § 12-1002, modified)

12-703. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the existing building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (2004 Code, § 12-1003)

12-704. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation. (2004 Code, § 12-1004, modified)

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

CHAPTER 8

PROPERTY MAINTENANCE CODE

SECTION
12-801. Property maintenance code adopted.
12-802. Modifications.
12-803. Available in recorder's office.
12-804. Violations and penalty.

12-801. Property maintenance code adopted. The International Property Maintenance Code, 2012 edition,[1] as published by the International Code Council, and amendments thereto, is hereby adopted and incorporated by reference as part of this municipal code, and is hereinafter referred to as the property maintenance code. (as amended by Ord. #2014-01, Feb. 2014)

12-802. Modifications. The property maintenance code is amended by:

101.1 Title is hereby amended by adding "City of Eagleville, TN" in place of "[name of jurisdiction]."

Section 102.3 Application of other codes is hereby amended by deleting "NFPA 70" and substitute "National Electric Code." Delete the last sentence in its entirety without substitution.

Section 103.1 General is hereby amended by deleting "Department of Property Maintenance" and substitute "Building and Codes Department."

Section 103.5 Fees is hereby amended by deleting this section in its entirety without substitution.

Section 111 Means of Appeal is hereby amended where the term "Board of Appeals" appears it shall be substituted with "Construction Board of Adjustments and Appeals of Rutherford County Tennessee."

Section 302.1 Sanitation is hereby amended by adding the following sentence to the end of the paragraph: "Furniture intended for indoor use shall not be stored or used outdoors."

Section 302.4 Weeds is hereby amended by deleting this section in its entirety. Title 13 shall be used to regulate the height of weeds and grass.

Section 302.8 Motor Vehicles is hereby amended by adding the following sentence to the end of the paragraph: "Parking of motor vehicles on lawn or grass areas is not permitted."

Section 304.1.1 Unsafe conditions is hereby amended by deleting the last part of the sentence "or the International Existing Building Code as required for existing buildings."

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

Section 304.3 Premises identification is hereby amended by adding the following to the beginning of the first sentence: "Townhomes, single family dwellings and duplexes." Add to the end of the paragraph the following sentence: "All other structures must comply with the International Fire Code."

Section 304.13.2 Openable windows is amended by adding the following indented paragraph: "Exception: Windows not required by this code for ventilation or emergency egress shall not be required to open, provided that every required emergency egress window is so designated with a fire emblem or decal placed by the owner on the glazing of every required emergency egress window."

Section 304.14 Insect screens is hereby amended by inserting the words "April 1 to October 1 in lieu of [Date] to [Date]."

Section 403.2 Bathroom and toilet rooms is hereby amended by adding an exception to read as follows: "Exception: When a listed and labeled recirculating fan is installed in accordance with the manufacturer's installation instructions, it shall not be required to discharge to the outdoors."

Section 502.4 Employees' facilities. This section is hereby amended by deleting the words "and one drinking facility."

Section 502.4.1 Drinking facilities. This section is hereby amended by deleting in its entirety without substitution. (Ord. #2014-01, Feb. 2014, modified)

12-803. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-804. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.

CHAPTER 9

ACCESSIBILITY CODE

SECTION

12-901. Accessibility code adopted.
12-902. Modifications.
12-902. Available in recorder's office.
12-903. Violations and penalty.

12-901. Accessibility code adopted. The International ANSI A117.1, Accessibility Code,[1] 2009 edition, as published by the International Code Council, is adopted and incorporated into this chapter as the technical section of the building code of the City of Eagleville, by reference, as fully as though copied into this code, except as have been or may be hereafter amended herein. (Ord. #2014-01, Feb. 2014)

12-902. Modifications. The accessibility code is amended by:

Section 101.1 Title is hereby amended by adding "City of Eagleville, TN" in place of "[name of jurisdiction]."

Section 604.5.1 Fixed side wall grab bars is hereby amended by adding the following to the end of this section: "Exception: The 18" vertical grab bar is not required when the plans have been approved by the State of Tennessee Fire Marshal's Office and the architect of records submits a written certification that the plans comply with the 2010 ADA Code." (Ord. #2014-01, Feb. 2014)

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

12-904. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.

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

CHAPTER 10

SWIMMING POOL SAFETY CODE

SECTION
12-1001. Swimming pool safety code adopted.
12-1002. Modifications.
12-1002. Available in recorder's office.
12-1003. Violations and penalty.

12-1001. Swimming pool safety code adopted. The International Swimming Pool Code,[1] 2012 edition, as published by the International Code Council, is adopted and incorporated into this chapter as the technical section of the swimming pool code of the City of Eagleville, by reference, as though copied into this code. (Ord. #2014-01, Feb. 2014)

12-1002. Modifications. The swimming pool code is amended by:

101.1 Title is hereby amended by adding "City of Eagleville, TN" in place of [name of jurisdiction]." (Ord. #2014-01, Feb. 2014)

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

12-1004. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation.

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

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER
1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. ABANDONED, WRECKED VEHICLES, ETC.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Health officer.
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-104. Weeds, bushes, shrubs, etc.
13-105. Overgrown and dirty lots.
13-106. Open storage.
13-107. Contractors to keep construction sites clean.
13-108. Dead animals.
13-109. Swimming pools, spas or hot tubs.
13-110. Health and sanitation nuisances.
13-111. Violations and penalty.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (2004 Code, § 13-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (2004 Code, § 13-102)

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[1]Municipal code references
Animal control: title 10.
Property maintenance code: title 12.
Littering streets, etc.: § 16-107.

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. It shall be unlawful for any person knowingly to allow any swimming pool, spa, or hot tub to be in an unclean or unsanitary condition or to be in a condition of disrepair, if such swimming pool, spa, or hot tub contains water, so as to be detrimental to or to endanger the health, comfort, and safety of the public or to encourage the infestation of mosquitoes or other insects. (2004 Code, § 13-103, modified)

13-104. Weeds, bushes, shrubs, etc. (1) 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 codes enforcement and inspection division to cut such vegetation when it has reached a height of over one foot (1'), except for those parcels containing five (5) acres or more land area. (Forage crops are expressly excluded.)

(2) Parcels containing five (5) acres or more. Parcels containing five (5) acres or more land area that fronts a public street or roadway or adjoins a developed area shall be cleared of all weeds, tall grass and other noxious vegetation within fifty feet (50') of the property line adjoining the developed area and within fifty feet (50') of the pavement edge of any street or roadway adjoining the subject parcel to and including the right-of-way to the pavement edge. Excluded here from are natural wooded areas containing trees four inches (4") in diameter or larger on the subject property. The property owner shall be responsible for mowing grass and noxious vegetation on the edge of the trees on the property, including areas along adjoining developed areas or public rights-of-way.

(3) Bushes, shrubs, hedges, and trees. Every owner or tenant of property shall periodically cut and trim the bushes, shrubs, hedges, and trees surrounding his residence or buildings so as to allow safe ingress and egress into and from the residence or building. It shall be unlawful for any person to cause or to allow bushes, shrubs, hedges, and trees to block ingress or egress into and from any door or window. It shall be unlawful for any person to fail to comply with an order by the codes enforcement and inspection division to cut or trim such bushes, shrubs, hedges, and trees when safe ingress and egress cannot be achieved from any door or window.

(4) Designation of public officer or department. The codes enforcement and inspection division shall be designated to enforce the provisions of this section.

(5) Notice to property owner. It shall be the duty of the codes enforcement and inspection division to serve notice upon the owner of record and tenant, if applicable, 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 posted on the property and if the property owner or tenant, if applicable, is known, then sent by certified United States mail, return receipt requested and by regular United States mail addressed to the last known address of the owner of record or tenant. The notice shall state that the owner of the property or tenant is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner and/or tenant is in violation of the Eagleville 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

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing before the person or persons the city council may designate.

(6) 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) and/or does not request a hearing within the same time period, the codes enforcement and inspection division shall immediately cause the condition to be remedied at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. The city is authorized to use either internal labor and equipment or private contractors at its discretion to enforce the provisions of this section. Failure to make a request for a hearing within the aforementioned notice period shall without exception constitute a waiver of the right to a hearing. The city attorney is authorized to take legal action to collect the costs of clean-up assessed against the property owner and to take any and all necessary actions to place a lien against the property for the costs of clean-up if not paid. In addition to or in the alternative, the codes enforcement and inspection division may cite the property owner and/or tenant to municipal court for violation of the ordinance provisions.

(7) Judicial review; appeal. Any person aggrieved by an order or act of the city under the provisions of this chapter may seek judicial review of the order or act. The time period established in subsection (6) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other

provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property conditions so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of vermin, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (2004 Code, § 13-104, modified)

13-105. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Limitation on application. The provisions of subsection (5) shall not apply to any parcel of property upon which an owner-occupied residence is located. The provisions of subsection (6) shall apply to any parcel of property upon which an owner-occupied residence is located.

(3) Designation of public officer or department. The city council shall designate an appropriate department or person to enforce the provisions of this section.

(4) 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 in violation of the Eagleville Municipal Code, which has been enacted under the authority of Tennessee Code Annotated § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing before the city manager or his designee.

(5) 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. Failure to make a request for a hearing within the aforementioned notice period shall without exception constitute a waiver of the right to a warning. Upon the filing of the notice with the Office of the Register of Deeds in Rutherford County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition or in the alternative, the codes enforcement and inspection division may cite the property owner and/or tenant to municipal court for violation of the ordinance provisions.

(6) When the owner of an owner-occupied residential property 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), 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 accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. Failure to make a request for a hearing within the aforementioned notice period shall without exception constitute a waiver of the right to a hearing. The provisions in subsection (5) above shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars ($500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (5) above for these charges. In addition to or in the alternative, the codes enforcement and inspection division may cite the offender in city court.

This code section can be used when the city seeks to clean up the swimming pool, spa, or hot tub 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. The property owner and/or tenant may be cited or summoned to municipal court for violation of the ordinance provisions.

(7) Judicial review; appeal. Any person aggrieved by an order or act of the city under the provisions of the subsections above may seek judicial review of the order or the act. The time period established in subsections (5) or (6) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

13-106. Open storage. It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish, tires, mattresses, or similar items. (modified)

13-107. Contractors to keep construction sites clean. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project.

13-108. 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 city clerk and dispose of such animal in such manner as the codes enforcement and inspection division shall direct. (2004 Code, § 13-205)

13-109. Swimming pools, spas or hot tubs. (1) Prohibition. It shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property swimming pools, spas, or hot tubs in an unclean or unsanitary condition or in a state of disrepair if such swimming pool, spa, or hot tub contains water so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of mosquitoes or other insects.

(2) Designation of public officer or department. The codes enforcement and inspection division shall be designated to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the codes enforcement and inspection division 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 posted on the property and sent by registered or certified United States mail, addressed to the last known address of the owner of record and if the property owner is unknown, then notice shall be posted on the property. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of the code section of the Eagleville 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

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing before the city mayor or his designee.

(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 codes enforcement and inspection division shall immediately cause the condition to be remedied at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. The city is authorized to use either internal labor and equipment or private contractors at its discretion to enforce the provisions of this code. Failure to make a request for a hearing within the aforementioned notice period shall without exception constitute a waiver of the right to a hearing. The city attorney is authorized to take legal action to collect the costs of clean-up assessed against the property owner and to take any and all necessary action to place a lien against the property for the costs of clean-up if not paid. In addition to or in the alternative, the codes enforcement and inspection division may cite the property owner to municipal court for violation of the ordinance provisions.

(5) Judicial review; appeal. Any person aggrieved by an order or act of the city under the provisions of the subsection above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(6) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property swimming pools, spas, or hot tubs in an unclean or unsanitary condition or in a state of disrepair if such swimming pool, spa, or hot tub contains water so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of mosquitoes and other insects under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

13-110. 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. (2004 Code, § 13-106)

13-111. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. (modified)

CHAPTER 2

SLUM CLEARANCE[1]

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 salvaged 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.

13-201. Findings of board. Pursuant to Tennessee Code Annotated § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city, and therefore ordains as follows. (2004 Code, § 13-201)

13-202. Definitions. (1) "Governing body" shall mean the city council charged with governing the city.

(2) "Municipality" shall mean the City of Eagleville, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(3) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(4) "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.

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[1]State law reference
Tennessee Code Annotated, title 13, chapter 21.

(5) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(6) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated § 13-21-101, et seq.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be belonging thereto or usually enjoyed therewith. (2004 Code, § 13-202)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the city manager or designee of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the city manager or designeebuilding official. (2004 Code, § 13-203, 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 city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (2004 Code, § 13-204)

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. (2004 Code, § 13-205)

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 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." (2004 Code, § 13-206)

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. (2004 Code, § 13-207)

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 be a lien against the real property upon which such costs were incurred. 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 Rutherford County, Tennessee, by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Eagleville to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise may be provided by the charter or ordinances of the city. (2004 Code, § 13-208)

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 City of Eagleville. 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. (2004 Code, § 13-209)

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 city. 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 Rutherford County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (2004 Code, § 13-210)

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. (2004 Code, § 13-211)

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 city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (2004 Code, § 13-212)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (2004 Code, § 13-213)

CHAPTER 3

JUNKYARDS[1, 2]

SECTION

13-301. Definitions.
13-302. Junkyard screening.
13-303. Screening methods.
13-304. Requirements for effective screening.
13-305. Maintenance of screens.
13-306. Utilization of highway right-of-way.
13-307. Non-conforming junkyards.
13-308. Permits and fees.
13-309. Designation of public officer or department.
13-310. Violations and penalty.

13-301. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(4) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

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[1]State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

[2]Municipal code reference

Refuse and trash disposal: title 17.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the city.

13-302. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter.

13-303. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable wood such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen.

13-304. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the city. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

13-305. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the city. If not replaced within thirty (30) days the city shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the city.

13-306. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition.

13-307. Non-conforming junkyards. Those junkyards within the city and lawfully in existence prior to the enactment of this code which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards may be subject to the following conditions, any violation of which shall terminate the non-conforming status:

(1) The junkyard must continue to be lawfully maintained.

(2) There must be existing property rights in the junk or junkyard.

(3) Abandoned junkyards shall no longer be lawful.

(4) The location of the junkyard may not be changed for any reason. If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the city.

(5) The junkyard may not be extended or enlarged.

13-308. Permits and fees. It shall be unlawful for any junkyard located within the city to operate without a "junkyard control permit" issued by the city.

(1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The city's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee established by the city council in the fee schedule which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the city.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued.

13-309. Designation of public officer or department. The codes enforcement and inspection division shall be designated to enforce the provisions of this section.

13-310. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day an offense occurs constitutes a separate violation. (modified)

CHAPTER 4

ABANDONED, WRECKED VEHICLES, ETC.

SECTION

13-401. Definitions.
13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited.
13-403. Presence of abandoned vehicles, etc. prohibited.
13-404. Notice to remove.
13-405. Responsibility for removal.
13-406. Notice procedure.
13-407. Failure to remove vehicle.
13-408. Municipal court.
13-409. Violations and 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) "City" is the City of Eagleville.

(2) "Chief of police" is the Chief of Police of the City of Eagleville.

(3) "Junked motor vehicle" is any motor vehicle, as defined by § 13-401(4), 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.

(4) "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, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers. "Motor vehicles" shall also include airplanes and self-propelled boats, including watercraft such as jet skis, designed to travel along the water by motorized means.

(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 this subsection.

(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.

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited. 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.

13-403. Presence of abandoned vehicles, etc. prohibited. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared unlawful and is prohibited. This section shall 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 the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

13-404. Notice to remove. Whenever it comes to the attention of the code enforcement division or the police department that a violation of §§ 13-402 or 13-403 as defined in this chapter has occurred or exists in the City of Eagleville, Tennessee a notice in writing shall be served upon the occupant of the land where the violation exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the violation and requesting removal of the junked motor vehicle in the time specified in this chapter.

13-405. Responsibility for removal. Upon notice as provided in § 13-404 above, 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.

13-406. Notice procedure. (1) The code enforcement division or the police department of the city shall give written notice of removal to the owner or occupant of the private property where the vehicle is located thirty (30) days before the issuance of a citation. 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 as his last known address.

(2) Content of notice. The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the codes enforcement division or police department shall issue a citation against the owner or occupant of the property for violation of this chapter.

13-407. Failure to remove vehicle. If the vehicle is not removed within thirty (30) days as prescribed in the notice in § 13-406, the codes enforcement division or police department shall issue a citation for violation of this chapter to the person to whom the notice has been directed.

13-408. Municipal court. A hearing upon the citation for violation of this chapter shall be held in the municipal court before the municipal judge who shall adjudge this matter according to the facts and law presented therein. (modified)

13-409. Violations and penalty. Violations shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (modified)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. RIGHT-OF-WAY MANAGEMENT.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
14-101. Creation and membership.
14-102. Organization, powers, duties, etc.
14-103. Jurisdiction - subdivisions.

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 five (5) members; two (2) of these shall be the mayor and a member of the city council selected by the city council; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the city council shall be for three (3) years each with one (1) member's term expiring each year. Upon more than one (1) vacancy, the mayor may at his discretion appoint one (1) or more of the new appointments in such a way as to allow each term to expire a year apart. The terms of the mayor and members selected by the city council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (2004 Code, § 14-101, modified, as amended by Ord. #2014-05, June 2014)

14-102. Organization, powers, duties, etc. The planning commission shall elect its own chairman from among its appointive membership for one (1) year. The transactions, rules, findings, and determinations of the planning commission shall be a matter of public record. The expenditures of the planning commission, exclusive of gifts, shall be within the amount appropriated by the city council of the City of Eagleville. The planning commission shall be organized in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (2004 Code, § 14-102, modified)

14-103. Jurisdiction - subdivisions.[1] The rules and regulations governing the subdivision of land heretofore adopted by the Eagleville Planning Commission, and as may be amended from time to time by the Eagleville Planning Commission, shall apply to all subdivisions of land within the area of the City of Eagleville, Rutherford County, Tennessee. (2004 Code, § 14-103, modified)

[1]"Subdivision Regulations" (and any amendments) for Eagleville, Tennessee, adopted September 6, 2007, are of record in the office of the city recorder.

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance.[1] Land use within the City of Eagleville shall be governed by the "Zoning Ordinance, Eagleville, Tennessee," adopted by reference as if fully set out herein. (2004 Code, § 14-201, modified)

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[1]Ord. #2016-009 titled "Zoning Ordinance, Eagleville, Tennessee," adopted November 17, 2016, by the Eagleville City Council (and any amendments) is published as a separate document and is of record in the office of the city recorder.

CHAPTER 3

RIGHT-OF-WAY MANAGEMENT

SECTION

14-301. General use of and construction in right-of-way.
14-302. Construction.
14-303. Relocation.
14-304. Restoration of city's rights-of-way.
14-305. Maintenance and workmanship.
14-306. Acquisition of facilities.
14-307. Reservation of city right-of-way rights.
14-308. Reservation of rights and privileges.
14-309. Discontinuing use of facilities.
14-310. Hazardous substances.
14-311. Underground cable.
14-312. Construction codes.
14-313. Construction and use of poles.
14-314. Tree trimmings.

14-301. General use of and construction in right-of-way. Relationship with other laws. Construction work and maintenance of any and all facilities within the city's rights-of-way shall be done in accordance with the Eagleville Municipal Code, including but not limited to, EMC Title 16; City of Eagleville Standard Specifications for Road, Bridge and Municipal Construction; City of Eagleville Standard Plans for Municipal Construction; any other applicable ordinance, rule or policy; and any amendments thereto. The provisions of chapter 3 are meant to be supplemental to the above provisions. In the event of a conflict between the above provisions and this section, the above provisions shall prevail. (2004 Code, § 14-301)

14-302. Construction. (1) All construction and maintenance of any and all facilities within the city's rights-of-way incident to grantee's cables, lines, piping, fibers, and appurtenances shall be and remain the grantee's responsibility regardless of who performs the construction. Grantee shall apply for and obtain all permits necessary for construction or installation of any facilities, and for excavating and laying any facilities, within the city's rights-of-way. Grantee shall pay all applicable fees upon issuance of the requisite construction permits by the city to grantee, and shall pay all inspection fees and other costs incurred by the city as a result of work authorized by such permit.

(2) Before beginning any construction, grantee shall provide the city with a construction schedule for work in the city's rights-of-way. As grantee's construction of facilities of the city's rights-of-way is completed on its location

subsequently altered during the term of the permit, grantee shall periodically provide the city with maps showing the location of the installed facility in the city's rights-of-way, as built.

(3) Before beginning any work in the city's rights-of-way, grantee shall apply for and obtain appropriate permits from the city, and give appropriate notices to any other franchisees, licensees or permittees of the city, or other units of government owning or maintaining pipes, wires, conduits or other facilities which may be affected by the proposed excavation.

(4) When facilities pass over or under private or publicly owned property it shall be grantee's sole responsibility to obtain all necessary permission from the owner thereof before commencing work, and to notify all utility companies and property owners who may be subject to damage or inconvenience during such work. (2004 Code, § 14-302)

14-303. Relocation. The city shall have the right to require grantee to change the design or location of any of grantee's cables, lines, piping, fibers, and appurtenances within the city's rights-of-way when the public convenience or public interest would be served by such a change, and the expense thereof shall be paid by grantee. Should grantee fail to remove or relocate or redesign any such facilities by the date reasonably established by the city, the city may effect such removal or relocation or redesign, and the expense thereof shall be paid by grantee, including all costs and expenses incurred by the city due to grantee's delay. If the city requires grantee to relocate its facilities located within the city's rights-of-way, the city shall provide grantee with an alternate location within the city's rights-of-way. Nothing herein shall prevent grantee from participating in any alternative funding for relocation. (2004 Code, § 14-3013)

14-304. Restoration of city's rights-of-way. Whenever grantee disturbs the surface of any right-of-way for any purpose, the grantee shall be responsible for restoration of the city's right-of-way and its surface within the area affected by the excavation unless the city authorizes itself in the street use permit to perform such restoration work. The cost of all restoration work, including the cost of inspection and supervision, shall be paid by the grantee. All excavations made by grantee in the city's rights-of-way shall be properly safeguarded for the prevention of accidents. (2004 Code, § 14-304)

14-305. Maintenance and workmanship. (1) Grantee's cables, lines, piping, fibers, and appurtenances shall be constructed and maintained so as not to interfere with sewers, water pipes, conduits or any other property of the city, or with any other pipes, wires, conduits, structures or other facilities that may have been laid in the city's rights-of-way by or under the city's authority.

(2) Grantee shall operate its system so as to prevent injury to the city's property or property belonging to any person within the city. Grantee, at its own

expense, shall repair, renew, change and improve its facilities from time to time as may be necessary to accomplish this purpose.

(3) Grantee shall not construct its system in any manner that requires any subscriber to install any cable, wire, conduits or other facilities under or over a right-of-way. (2004 Code, § 14-305)

14-306. Acquisition of facilities. Upon grantee's acquisition of facilities in any city right-of-way, or upon the addition or annexation to the city of any area in which grantee owns or operates any facility in any city right-of-way, the grantee shall, at the city's request, submit to the city a statement and as-built plans describing all existing facilities, whether authorized by franchise, permit, license or other prior right, and depicting the location of all such facilities with such specificity as the city property may reasonably require. Such facilities shall immediately be subject to the terms of this chapter and shall be brought into compliance with it as soon as practicable. In the event the new facilities or annexed area have characteristics that make literal application of any term of the chapter inappropriate, the parties will negotiate in good faith to modify the chapter solely with respect to such characteristics and only to the extent necessary to achieve consistency with the purposes of this chapter. (2004 Code, § 14-306)

14-307. Reservation of city right-of-way rights. Nothing in this chapter shall prevent the city from constructing, maintaining, or repairing any city right-of-way, or public work or improvement in the city's rights-of-way. All such work shall be done, insofar as practicable, so as not to obstruct, injure or prevent the use and operation of grantee's cables, lines, piping, fibers, and appurtenances. However, if any of the grantee's system will interfere with the construction, maintenance, or repair of any city right-of-way or public work or improvement in the city's rights-of-way, at its own expense the grantee shall remove or relocate its system as the city directs. Should the grantee fail not to remove, adjust or relocate its facilities by the date established by the city's written notice to grantee, the city may effect such removal, adjustment or relocation and recover the cost thereof from the grantee, including all costs and expenses incurred by the city due to grantee's delay. (2004 Code, § 14-307)

14-308. Reservation of rights and privileges. Nothing in this chapter shall deprive the city of any rights or privileges which it now has, or which may hereafter be conferred upon it, including any rights to exercise its police powers in the regulation and control the use of the rights-of-way. (2004 Code, § 14-308)

14-309. Discontinuing use of facilities. Whenever grantee intends to discontinue using any facility or capacity within the city's rights-of-way, grantee shall submit for the City of Eagleville's approval a complete description of the

facility and the date on which the grantee intends to discontinue using the facility or capacity. Grantee may remove the facility or request that the city permit it to remain in place. Notwithstanding the grantee's request that any such facility remain in place, the City of Eagleville may require the grantee to remove the facility from the city's right-of-way or modify or maintain the facility or capacity to protect the public health and safety or otherwise serve the public interest. The City of Eagleville may require the grantee to perform a combination of modification, maintenance, and/or removal of the facility and/or capacity. Grantee shall complete such removal or modification in accordance with a schedule set by the City of Eagleville. Until such time as grantee removes or modifies the facility as directed by the City of Eagleville, or until the rights to and responsibility for the facility are accepted by another person having authority to construct and maintain such facility, grantee shall be responsible for all necessary repairs and relocations of the facility, as well as maintenance of the city's right-of-way, in the same manner and degree as it the facility were in active use, and grantee shall retain all liability for such facility. (2004 Code, § 14-310)

14-310. Hazardous substances. (1) Grantee shall comply with all applicable state and federal laws, statutes, regulations and orders concerning hazardous substances relating to grantee's cable system in the city's rights-of-way. For purposes of § 14-311, "hazardous substances" shall be all substances so characterized in R.C.W. 70.1050.020 (5).

(2) Grantee shall maintain and inspect its facilities located in the city's rights-of-way and immediately inform the city of any release of hazardous substances. Upon reasonable notice to grantee, the city may inspect grantee's facilities in the city's rights-of-way to determine if any release of hazardous substances has occurred, or may occur, from or related to grantee's facilities. In removing or modifying grantee's facilities as provided in this chapter, grantee shall also remove all residue of hazardous substances related thereto provided, however, if it is determined that grantee's owned facilities did not cause the release of hazardous substances, grantee shall have no duty to remove such substances.

(3) Grantee agrees to forever indemnify the city against any claims, costs, and expenses of any kind, whether direct or indirect, incurred by the city arising out of a release of hazardous substances arising from, connected to or incident to grantee's facilities in the city's rights-of-way. (2004 Code, § 14-311)

14-311. Underground cable. Grantee is strongly encouraged to locate and construct its present and future cables and other facilities underground. Grantee shall install its cables or other facilities underground wherever and at the same time existing utilities in the immediate vicinity are installed underground, where all utilities are placed underground, or where statute or ordinance requires utilities to be placed underground. Previously installed

aerial cable shall be underground in concert, and on a reasonable cost-sharing basis, with other utilities pursuant to the general ordinances of the city or applicable state law, or in the event that a telecommunications utility or a public utility decides to underground its on a voluntary basis, unless the city grants an exception. (2004 Code, § 14-312)

14-312. Construction codes. Grantee shall strictly adhere to all building and zoning codes currently or hereafter in effect. Grantee shall arrange its lines, cables, and other appurtenances, on both public and private property, in such a manner as to cause no unreasonable interference with the use of said public or private property by any person. In the event of such interference, the city may require the removal or relocation of the grantee's lines, cables, and other appurtenances from the property in question at grantee's expense. (2004 Code, § 14-313)

14-313. Construction and use of poles. Grantee shall negotiate and enter into pole attachment agreements with utilities maintaining poles in the grantee's franchise area in terms acceptable to grantee and the affected utilities; provided, any obligations to provide fiber or capacity that might be imposed on grantee shall be deemed fully satisfied for the term of their agreement and any extensions by grantee's agreement to install, at the time of grantee's own construction, fiber for the city in accordance with the following provisions:

In the course of grantee's own construction of its optical fiber system, grantee shall include at the city's request additional fiber for the city's exclusive use for governmental purposes. Such purposes shall not include any lease, license, or other transfer to any third party of the right to use such fiber and shall not include any commercial use. However, such purposes may include the following uses, for which the city may receive payment to defray its costs of installation and maintenance.

(1) The city may share use of the fiber with other governments for governmental purposes where signals are mixed with city signals in the same transmission system and the city may make fibers available to schools as distinctly leased fibers or as part of a shared transmission system as described above.

(2) The city shall bear the incremental cost of adding the additional fiber during grantee's construction and the incremental cost, if any, of maintenance.

(3) The total amount of fiber installed for the city under this provision shall not exceed thirty (30) miles in distance, nor two hundred (200) fiber miles (number of fibers in a sheath times distance) without the express consent of grantee.

(4) Grantee's agreement to provide fiber under this section shall not be construed as acquiescence in or admission of the city's authority to impose such obligations unilaterally. (2004 Code, § 14-314)

14-314. Tree trimmings. The grantee must submit all construction plans and/or pruning plans to the city for initial review before any work begins. This review may take place concurrently with reviews required by the city council. (2004 Code, § 14-315)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER
1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. CODES ADOPTED BY REFERENCE.

CHAPTER 1

MISCELLANEOUS[2]

SECTION
15-101. Motor vehicle requirements.
15-102. Driving on streets closed for repairs, etc.
15-103. Careless driving.
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.

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[1]Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

[2]State 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. in which there has been an injury or death; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated § 55-10-501.

15-111. School safety patrols.
15-112. Driving through funerals or other processions.
15-113. Clinging to vehicles in motion.
15-114. Riding on outside of vehicles.
15-115. Backing vehicles.
15-116. Projections from the rear of vehicles.
15-117. Causing unnecessary noise.
15-118. Vehicles and operators to be licensed.
15-119. Passing.
15-120. Damaging pavements.
15-121. Bicycle riders, etc.
15-122. Duty to report accidents.
15-123. Adoption of state traffic statutes.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (2004 Code, § 15-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (2004 Code, § 15-102)

15-103. Careless driving. Every person operating a vehicle upon the streets within the city shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and use of these streets and all other attendant circumstances so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section. (2004 Code, § 15-103)

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.

(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. (2004 Code, § 15-104)

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. (2004 Code, § 15-105)

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. (2004 Code, § 15-106)

15-107. Miscellaneous traffic control signs, etc.[1] It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (2004 Code, § 15-107)

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

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[1]State 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 § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated § 55-10-501.

[2]For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the

(continued...)

Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (2004 Code, § 15-108)

15-109. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (2004 Code, § 15-109)

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. (2004 Code, § 15-110)

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. (2004 Code, § 15-111)

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. (2004 Code, § 15-112)

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. (2004 Code, § 15-113)

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[2](...continued)
Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

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. (2004 Code, § 15-114)

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. (2004 Code, § 15-115)

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 inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (2004 Code, § 15-116)

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. (2004 Code, § 15-117)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (2004 Code, § 15-118)

15-119. Passing. (1) 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.

(2) 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.

(3) 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.

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

(5) 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.

(6) 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. (2004 Code, § 15-119)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality 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. (2004 Code, § 15-120)

15-121. Bicycle riders, etc. (1) Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

(2) No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(3) No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

(5) No person under the age of sixteen (16) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.

(6) 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.

(7) 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.

(8) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (2004 Code, § 15-121, modified)

15-122. Duty to report accidents. The operator of any vehicle involved in an accident resulting in injury or death to any person or total property damage to an apparent extent of one hundred dollars ($100.00) or more shall immediately, by the quickest means of communication, give notice of such accident to the police department of the city. (2004 Code, § 15-123)

15-123. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated § 16-18-302, the City of Eagleville adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the City of Eagleville adopts Tennessee Code Annotated §§ 55-8-181 through 55-8-193, 55-9-601 through 55-9-606, 55-12-139 and 55-21-108 by reference as if fully set forth in this section (Ord. #2010-03, June 2010)

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. (2004 Code, § 15-201)

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

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (2004 Code, § 15-202)

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[1]Municipal 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 traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (2004 Code, § 15-203)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (2004 Code, § 15-204)

CHAPTER 3

SPEED LIMITS

SECTION
15-301. Generally.
15-302. Intersections.
15-303. School zones.
15-304. Congested areas.

15-301. Generally. 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. (2004 Code, § 15-301)

15-302. 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. (2004 Code, § 15-302)

15-303. School zones. Generally, pursuant to Tennessee Code Annotated § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph. Speed limits enacted pursuant to this paragraph shall not apply at school entrances and exits to and from controlled access highways on the system of state highways.

When the city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (2004 Code, § 15-303, modified)

15-304. Congested areas. Whenever the city council determines upon the basis of an engineering or traffic investigation or study that any maximum speed set forth in the above sections is greater or less than is reasonable or safe under the conditions found to exist at any congested area, intersection, or other place, the city council may declare by resolution reasonable and safe maximum

or minimum limits thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum or minimum speed limit may be declared to be effective at all times or at such times as are indicated upon signs. Differing limits may be established for differing times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speed. (2004 Code, § 15-304)

CHAPTER 4

TURNING MOVEMENTS

SECTION
15-401. Generally.
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
15-405. U-turns.

15-401. 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] (2004 Code, § 15-401)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (2004 Code, § 15-402)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two (2) roadways. (2004 Code, § 15-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) 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

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[1]State law reference
Tennessee Code Annotated § 55-8-143.

traffic moving in such direction upon the roadway being entered. (2004 Code, § 15-404)

15-405. U-turns. U-turns are prohibited. (2004 Code, § 15-405)

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. 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, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (2004 Code, § 15-501)

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. (2004 Code, § 15-502)

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. (2004 Code, § 15-503)

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the

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[1]Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.

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 one thousand five hundred feet (1,500') 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. (2004 Code, § 15-504)

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. (2004 Code, § 15-505)

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. (2004 Code, § 15-506)

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". 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.

(3) Steady red alone, or "Stop". Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection and shall remain standing until green or "Go" is shown alone. Provided, that a right turn on a red signal, generally, shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop

before turning and that the turning car yields the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(4) Steady red with green arrow. 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.

(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. (2004 Code, § 15-507)

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 in the city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, or if there is no crosswalk or limit line, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(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. (2004 Code, § 15-508)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,[1] except in an emergency. (2004 Code, § 15-509)

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[1]State law reference
Tennessee Code Annotated § 55-8-143.

CHAPTER 6

PARKING

SECTION
15-601. Generally.
15-602. Angle parking.
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Presumption with respect to illegal parking.

15-601. 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 City of Eagleville shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street.

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. (2004 Code, § 15-601)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (2004 Code, § 15-602)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (2004 Code, § 15-603)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk;

(2) In front of a public or private driveway;
(3) Within an intersection or within fifteen feet (15') thereof;
(4) Within fifteen feet (15') of a fire hydrant;
(5) Within a pedestrian crosswalk;
(6) Within fifty feet (50') of a railroad crossing;
(7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance;
(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
(10) Upon any bridge;
(11) Alongside any curb painted yellow or red by the city.
(12) In any space designated "handicapped" parking. (2004 Code, § 15-604, modified)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (2004 Code, § 15-605)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (2004 Code, § 15-606)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-705. Disposal of abandoned motor vehicles.
15-706. Violations and penalty.

15-701. Issuance of traffic citations.[1] When a police officer halts a traffic violator other than for the purpose of giving a warning 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 municipal 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. (2004 Code, § 15-701)

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. (2004 Code, § 15-702)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle, or the codes enforcement officer, 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. (2004 Code, § 15-703)

15-704. Impoundment of vehicles. Members of the police department, and the codes enforcement officer, are hereby authorized, when reasonably

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[1]State law reference
Tennessee Code Annotated § 7-63-101, et seq.

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 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. Fees for impounding vehicles and for storage costs shall be established from time to time by the city council. (2004 Code, § 15-704, modified)

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. (2004 Code, § 15-705)

15-706. Violations and penalty. Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense.

(2) Parking violations. If the offense is a parking violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars ($3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant for his arrest is issued, his fine shall be five dollars ($5.00). (2004 Code, § 15-706)

CHAPTER 8

CODES ADOPTED BY REFERENCE

SECTION

15-801. Codes adopted by reference.

15-801. Codes adopted by reference. (1) The following codes and/or public records are adopted by reference under the provisions of Tennessee Code Annotated § 6-54-502, et seq., and all said codes and/or public records having been on file with the city recorder for a period of fifteen (15) days prior to the adoption hereof:

(a) The Interstate Motor Carrier Noise Emission Standards and the Federal Motor Carrier Safety Regulations, and all subsequent amendments thereto, promulgated, approved, and adopted by the United States Department of Transportation contained in title 49 of the Code of Federal Regulations chapter III, sub-chapters A and B, except for part 391.11(b)(1) and parts 389.25 through 389.41.

(b) Tennessee Code Annotated, title 55, Motor and Other Vehicles.

(c) Tennessee Code Annotated, title 65, chapter 15, Motor Carriers.

(2) Penalty clause. Whenever in the codes and public records adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of any act is required or failure to do any act is declared to be unlawful, the violation of any such provision shall be punishable by a penalty of not more than fifty dollars ($50.00) and costs and litigation taxes for each separate violation; provided, however, that the imposition of a penalty 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 Eagleville Municipal Code or other applicable law. Provided further, that the violation regulating all moving traffic shall be punishable by a penalty of not more than fifty dollars ($50.00) and costs and litigation taxes for each separate violation.

(3) When any person is fined for violating any provision of the Eagleville Municipal Code and such persons default 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.

(4) Each day any violation of the Eagleville Municipal Code continues shall constitute a separate offense. (2004 Code, § 15-801)

TITLE 16

STREETS AND SIDEWALKS, ETC.[1]

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. 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. Animals and vehicles on sidewalks.
16-111. Fires in streets, etc.
16-112. Street acceptance policy.
16-113. Closing streets without authorization.
16-114. Violations and penalty.

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.

No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of stopping, standing, or parking any vehicle, unless such area is a designated parking area. Emergencies of less than twenty-four (24) hours accepted provided there is no obstruction of traffic. (2004 Code, § 16-101)

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[1]Municipal code reference
Motor vehicle and traffic regulations: title 15.

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (2004 Code, § 16-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (2004 Code, § 16-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.[1] (2004 Code, § 16-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council after a finding that such banner or sign will create no hazard. (2004 Code, § 16-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (2004 Code, § 16-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (2004 Code, § 16-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (2004 Code, § 16-108)

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[1]Municipal code reference
Building code: title 12, chapter 1.

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting 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. (2004 Code, § 16-109)

16-110. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2004 Code, § 16-110)

16-111. 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. (2004 Code, § 16-111)

16-112. Street acceptance policy. The City of Eagleville shall not, nor shall any public authority accept, lay out, open, improve, grade, or pave any street unless such street shall have been accepted or opened as or shall have otherwise received the legal status of a public street.

No street within the City of Eagleville shall be accepted or opened as or shall have otherwise received the legal status of a public street without prior inspection and approval by the city road and road drainage engineer. (2004 Code, § 16-112, modified)

16-113. Closing streets without authorization. No person, without authorization of the city, shall block or prevent the flow of traffic on any street or thoroughfare. (modified)

16-114. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

EXCAVATIONS AND CUTS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fee.
16-204. Deposit or bond.
16-205. Manner of excavating; barricades and lights; temporary sidewalks.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, other governmental unit 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 of the city, and said permit shall be retroactive to the date when the work was begun. (2004 Code, § 16-201, modified)

16-202. Applications. Applications for such permits shall be made to the codes enforcement officer 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, the time of beginning of the work and the time of completion of the work, and shall contain an agreement that the applicant will comply with all ordinances and laws

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[1]State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

relating to the work to be done, that the city may correct unacceptable installation or incomplete installation, and that the city may use the cash or security bond for unsatisfactory work or incomplete performance. Such application shall be rejected or approved by the public works director within twenty-four (24) hours of its filing and a permit issued if approved. (2004 Code, § 16-202)

16-203. Fee. The fee for this permit shall be established from time to time by the city council.

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the codes enforcement officer a cash deposit, or in lieu thereof, a surety bond in such form and amount as the public works director shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. The deposit shall be in the sum of five hundred dollars ($500.00) for a minor city street or one thousand dollars ($1,000.00) for a collector street or a major thoroughfare. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the public works director may increase the amount of the deposit to an amount considered by him to be adequate to cover the estimated costs. From this deposit shall be deducted any expense to the city of correcting or completing any installation to city specifications. The balance, if any, shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. (2004 Code, § 16-204)

16-205. Manner of excavating; barricades and lights; temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. All traffic control and obstructions must be coordinated with the Eagleville Police Department and with the public works department. It is the responsibility of the permittee to control traffic. If any walkway or street is blocked by any such work, a temporary walkway or street shall be constructed or provided with detour signs which shall be safe for travel and convenient for users. (2004 Code, § 16-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in the city shall restore said street, alley, or public place to its original condition. In case of delay past the completion date set forth in the application, the codes enforcement officer shall give notice to the applicant and the person for whom the work was done if different that unless the excavation or tunnel is refilled properly within a specified period of time, the city will do the

work and charge the expense of doing the same to the applicant or the person for whom the work was done. If within the specified time the conditions of the above notice have not been complied with the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the applicant or the person for whom the work was done. (2004 Code, § 16-206)

16-207. Insurance. In addition to making the cash 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 the applicant is covered by workman's compensation insurance as well as against claims for property damage or personal injury which may arise from or out of the performance of the work, whether such performance be by the applicant, 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 codes enforcement officer in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars ($300,000.00) for proper damages. (2004 Code, § 16-207)

16-208. Time limits. Each application for a permit shall state the length of time that will elapse from the commencement of the work until the restoration of the surface, but in no case shall the time for restoration exceed sixty (60) days. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the codes enforcement officer. (2004 Code, § 16-208)

CHAPTER 3

DRIVEWAYS

SECTION

16-301. "Driveway" defined.
16-302. Application.
16-303. Review of application; approval; culverts.
16-304. Costs of construction.
16-305. Requirements in addition to planning commission regulations.
16-306. Removal of offending conditions.

16-301. "Driveway" defined. The term "driveway" as used in this chapter shall mean any portion of a normal sidewalk area, including grass plot, curb, gutter, and sidewalks of the streets, roadways, and alleys of the City of Eagleville, Tennessee, intended for use by vehicles as a means of ingress and egress between public right-of-way and abutting property. (2004 Code, § 16-301)

16-302. Application. It shall be the duty of all persons intending or proposing to construct a driveway for vehicular access to and from the public streets and alleys to make an application for authorization of construction, reconstruction, or major repair of driveways on forms prescribed by the city manager of the City of Eagleville. Applications shall be signed by the property owner, lessee, developer, or contractor. (2004 Code, § 16-302, modified)

16-303. Review of application; approval; culverts. It shall be the duty of the building inspector to give due consideration to the convenience, safety, regular movement of pedestrian and vehicular traffic, and drainage, when reviewing a driveway application. It shall be the further duty of the city manager or designee to approve or disapprove said driveway application and to require any culverts under said driveway to be a minimum eighteen inches (18") in diameter. (2004 Code, § 16-303, modified)

16-304. Costs of construction. The cost of driveway construction or major driveway repair, or the installation of culverts, shall be borne by the owner, lessee or other lawful holder of the property to be served. (2004 Code, § 16-305)

16-305. Requirements in addition to planning commission regulations. All requirements under this chapter are in addition to the requirements and regulations imposed by the Eagleville Planning Commission. (2004 Code, § 16-306)

16-306. Removal of offending conditions. Any person violating any of the provisions contained in this chapter shall be notified that the offending driveway construction, reconstruction, repairs, or culvert shall be removed. Notification shall be made by the building inspector in writing to the property owner, lessee, contractor, or lawful holder of said property to the effect that the offending work must be removed within ten (10) days from date of notification, and the driveway replaced to conform to the provisions contained in this chapter. In the event of failure to comply with notification, the City of Eagleville will make the necessary driveway corrections and assess the cost against the property abutting the driveway. (2004 Code, § 16-307)

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER
1. REFUSE.

CHAPTER 1

REFUSE

SECTION
17-101. Refuse defined.
17-102. Premises to be kept clean.
17-103. Storage.
17-104. Disturbing containers.
17-105. Collection.
17-106. Collection vehicles.
17-107. Disposal.
17-108. Litter control.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (2004 Code, § 17-101)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (2004 Code, § 17-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the City of Eagleville where refuse accumulates or is likely to accumulate shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent- and insect-proof. (2004 Code, § 17-103)

17-104. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse

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[1]Municipal code reference
Property maintenance regulations: title 13.

container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (2004 Code, § 17-104)

17-105. Collection. It shall be the responsibility of each owner or occupant to provide for the proper collection of all refuse which accumulates upon his premises. (2004 Code, § 17-105)

17-106. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (2004 Code, § 17-106)

17-107. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. (2004 Code, § 17-107)

17-108. Litter control. The improper disposal of refuse in any quantity from his vehicle shall be prima facie evidence of guilt of littering of the driver of any motor vehicle, other than a motor bus. If an object of refuse is discovered on another's property without his permission, on any public highway, street, or road, upon public parks or recreation areas, or upon any other public property except that property designated for that use, bearing a person's name, it shall be prima facie evidence of guilt of littering of the person whose name appears on the object thrown, dumped, deposited, or caused to be thrown, dumped, or deposited there.[1] (2004 Code, § 17-108)

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[1]Municipal code reference
Litter on streets, alleys and sidewalks: § 16-107.

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 18

WATER AND SEWERS[1]

CHAPTER
1. WATER.
2. SEWER USE ORDINANCE.

CHAPTER 1

WATER

SECTION
18-101. To be furnished by Consolidated Utility District of Rutherford County.

18-101. To be furnished by Consolidated Utility District of Rutherford County. The Consolidated Utility District of Rutherford County became the sole and exclusive owner of the Eagleville Water System in 1994 under a three (3) way agreement with the City of Eagleville, the City of Smyrna and Consolidated Utility District. According to the agreement, Consolidated Utility District is to provide water services to the City of Eagleville and its citizens in perpetuity.[2]

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[1]Municipal code references
Building, utility and residential codes: title 12.
Refuse disposal: title 17.

[2]The agreement is of record in the office of the city recorder.

CHAPTER 2

SEWER USE ORDINANCE

18-201. In general.
18-202. General wastewater regulations.
18-203. Fat, oil, and grease regulations.
18-204. Enforcement and abatement.

18-201. In general. (1) Application and scope, use of system regulated. All persons using, desiring, or required to use the public sanitary sewerage system shall comply with the provisions of this chapter and all other provisions relating to the public sanitary sewer system of the city.

(2) Purpose and policy. This chapter sets forth uniform requirements for users of the city sanitary sewer system and enables the city to comply with the Federal Clean Water Act and the Tennessee Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

(a) To protect public health;

(b) To prevent the introduction of pollutants into the municipal sewer treatment facility and interfere with the system operation;

(c) To prevent the introduction of pollutants that will pass through the treatment facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;

(d) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment, as well as the general public;

(e) To promote reuse and recycling where applicable; and

(f) To enable the city to comply with its state operating permit, and any other federal or state rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the city must have adequate sewer treatment either in the form of a connection to the municipal sewer system or, where the system is not available, an appropriate private disposal system. This chapter shall apply to all property owners within the city and all users inside or outside the city who are, by implied contract or written agreement with the city, dischargers of applicable wastewater to the WWF.

(3) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(a) "Additives" means products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria. They may be inorganic in origin.

(b) "Application fee" means the fee paid by a customer seeking sanitary sewer service.

(c) "Best Management Practices (BMPS)" means actions or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this ordinance.

(d) "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees centigrade (20° C) expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(e) "Building" means any structure or group of structures operated as a single business or enterprise provided however, the term shall not include more than one (1) structure.

(f) "Building sewer" means the pipeline extending from the user dwelling, structure, or premises to the STEP tank. Building sewer is not STEP service equipment.

(g) "Capacity evaluation fee" means the fee paid by a customer when an engineering evaluation is required by the city to determine equipment needs and system capacity to accept the waste stream of the customer.

(h) "Capacity fee" means a fee assessed on a one (1) time basis when a customer desires to connect to the sanitary sewer system. The fee pays for capital improvements associated with the construction, expansion, and improvement of the sewer system.

(i) "City" means the City of Eagleville, Tennessee.

(j) "Compatible pollutant" means BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's State Operating Permit (SOP) for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(k) "Composite sample" means a sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(l) "Cooling water" means the water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(m) "Domestic wastewater" means wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(n) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit, or other multiple dwelling unit shall be considered a separate dwelling.

(o) "Fat, Oil, and Grease (FOG)" means the organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the Hexane Extractable Material test is to be used or an equivalent 40 CFR 136 approved method.

(p) "Food Service Establishment (FSE)" means any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE, however, a multi-dwelling unit may be considered a FSE at the discretion of the manager. FSEs are classified as follows:

(i) Class 1. Delis-engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by the North American Industrial Classification System (NAICS) 722515 or mobile food vendors (NAICS 722330). Bed and breakfast establishments (NAICS 72119).

(ii) Class 2. Limited-service restaurants (NAICS 722513), except fast food with a food line that is heavily fried and history of FOG discharges that interfere with the sanitary sewer system, and catering (NAICS 722320)

(iii) Class 3. Full service restaurants (NAICS 722110)

(iv) Class 4. Buffet and cafeteria facilities (NAICS 72212)

(v) Class 5. Institutions, including but not limited to schools, hospitals, prisons, etc. (NAICS 722310), but not to exclude self-run operations.

(q) "Garbage" means solid wastes generated from any domestic, commercial or industrial source.

(r) "Grab sample" means a sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(s) "Grease interceptor" means an interceptor whose rated flow is fifty gallons per minute (50 gpm) or more and is located outside the building.

(t) "Grease, brown" means fats, oils, and grease that are discharged to the grease control equipment.

(u) "Grease, yellow" means fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.

(v) "Grease Control Equipment (GCE)" means a device for separating and retaining wastewater FOG prior to the wastewater exiting the FSE property and entering into the sanitary sewer system. GCE includes grease traps and grease interceptors or other devices.

(w) "Grease recycle container" means a container used for the storage of yellow grease for recycling.

(x) "Grease trap" means an interceptor whose rated flow is fifty gallons per minute (50 gpm) or less and is generally located inside the building.

(y) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(z) "Incompatible pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section.

(aa) "Indirect discharge" means the introduction of pollutants into the WWF from any non-domestic source.

(bb) "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. § 1342).

(cc) "Interceptor" means 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.

(dd) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment process or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(ee) "Manager" means the city manager or his duly authorized representative.

(ff) "Multi-dwelling unit" means a commercial or residential building with multiple offices or apartments.

(gg) "May" means permissive.

(hh) "Pass-through" means a discharge which exits the Wastewater Facility (WWF) into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement

of the WWF's state operating permit including an increase in the magnitude or duration of a violation.

(ii) "Person" means 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.

(jj) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(kk) "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(ll) "Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

(mm) "Premises" means a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the manager to be a single user for purposes of receiving, using, and paying for sewer services.

(nn) "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a WWF. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR section 403.6(d).

(oo) "Sewer service line" means the force main that connects the STEP tank to the check valve/valve box at the right-of-way.

(pp) "Slug" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(qq) "State" means the State of Tennessee.

(rr) "STEP service" or "STEP service equipment" means equipment installed on private property including a watertight septic tank (STEP tank), pump, controls, electrical lines and disconnect, sewer service line, and related appurtenances. It does not include the building sewer.

(ss) "Storm sewer" or "storm drain" means a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(tt) "Storm water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(uu) "Surcharge" means an additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge limits. Surcharge limits are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge limits. Exceeding a surcharge limit but not a monthly average or daily maximum limit will not result in enforcement action.

(vv) "Suspended solids" means 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.

(ww) "Tee" (influent and effluent) means a T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

(xx) "Toxic pollutant" means 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.

(yy) "Twenty-four (24) hour flow proportional composite sample" means a sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(zz) "User" means any person who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service, or any person with sanitary sewer service availability.

(aaa) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(bbb) "Wastewater Facility" or "WWF" means any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also

means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or Publicly Owned Treatment Works.

(ccc) "Water, black" means wastewater containing human waste from sanitary fixtures such as toilets and urinals.

(ddd) "Water, gray" means all other wastewater other than black water.

(eee) "Waters of the state" means 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.

(4) Application, fees, easements. (a) A person desiring sanitary sewer service shall be required to sign a standard form service agreement.

(b) An application/connection fee, capacity fee, and as appropriate, a capacity evaluation fee (as set forth in (c) below), shall be paid. If, for any reason, the person, after signing a contract for service does not take such service, then in that event the capacity fee shall be refunded. If capacity is determined to not be available to serve the person, the application/connection fee and the capacity fee shall be refunded. The receipt of an application for service shall not obligate the city to render sewer service.

(c) A person desiring non-residential service shall furnish information about all waste producing activities, wastewater characteristics and constituents to facilitate capacity evaluations. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the manager. A non-refundable capacity evaluation fee shall be paid if engineering services are required by the manager to determine equipment size and system capacity to accept wastewater from that person.

(d) The person shall provide the city with ownership of the STEP service equipment and an easement to perform necessary maintenance and repair in order for service to be established.

(5) Physical connection to public sewer. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance structure thereof. The city shall make all connections to the public sanitary sewer upon the user complying with the requirements set forth in subsection (4) of this section. Prior to backfilling by the user, the manager will inspect the building sewer and STEP service equipment installation.

(6) Sewer system extension, private cost. (a) A person desiring sanitary sewer service at a location not served by the public sanitary sewer system shall pay all costs of extending the public sewer system to

the desired property, including all mains, lift stations and appurtenance structures, to a point approved by the manager. Such sewer system improvements shall be installed either by city forces or by other forces working under the supervision of the manager in accordance with plans and specifications, paid by the person desiring service and subsequently approved by the manager, as prepared by an engineer registered with the State of Tennessee and according to the latest version of Tennessee Design Criteria for Sewerage Works. Upon completion of such sewer improvements and upon acceptance by the city, such sewer improvements shall become the property of the city. In consideration of the sewer improvements being transferred to it, the city shall incorporate the same as an integral part of the municipal sanitary sewer system and shall furnish sewer service therefrom in accordance with these rules and regulations.

(b) No sewer connections shall be allowed on private roads. Developments created on private property, with roads not proposed to be accepted by the city, may be allowed to tie into the city's sewer system once the sewer line has reached city right of way, if it is deemed in the city's best interest and in accordance with § 18-201(2) of the wastewater regulations for the city. Private developments shall tie in at areas deemed appropriate by the manager and connections may be limited to one (1) tie-in at the discretion of the manager. Such tie-in(s) shall only be permitted if the developer's engineer provides detailed evidence that the city has capacity to take on additional buildings and/or dwellings and such evidence is deemed acceptable by the city and in accordance with § 18-201(2) of the wastewater regulations for the city. All lines on non-city right of way, in private developments, shall be maintained and repaired at the cost of the owner to which such line serves, unless the city finds that there is a public good served by such line. All sewer lines shall be placed in an easement dedicated to the city, should the city assume responsibility of maintenance.

(c) Nothing herein shall be construed to require the city to approve the extension of the public sanitary sewer system to a location not currently served.

(7) Sewer system extension, public cost. When, in the judgment of the city that it is in the best interest of the city to participate in the cost of a public sanitary sewer system extension, such improvement may be constructed upon such terms and conditions as shall be approved. The authority to make such improvements is permissive only and nothing contained herein shall be construed as requiring the city to make such public sanitary sewer extensions or to furnish service to any person.

(8) Multiple services through a single STEP tank. No user shall supply sewer service to more than one (1) building or dwelling without providing an

appropriate technical evaluation of STEP service equipment necessary to provide such service, and obtaining the written authorization of the manager.

(9) Termination of service by user. Sanitary sewer service shall be discontinued within two (2) business days of notification from the user. Notice to discontinue service prior to the expiration of a contract term will not relieve the user from any minimum or guaranteed payment under any contract for service.

(10) Access to user property. The manager shall be granted access to user property at all reasonable times for the purpose of testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting user plumbing and facilities in order to secure compliance with these rules and regulations.

(11) Inspections. The manager shall have the right, but shall not be obligated, to inspect any sewer system installation or plumbing system before sewer service is furnished, or at any later time following installation. The city reserves the right to refuse service or to discontinue service to any building, dwelling, or premises not in compliance with any special contract, rule, regulation, or other requirement of the city. A failure to inspect a user installation or plumbing system shall not render the city liable for any loss or damage had such inspection been made.

(12) City ownership, user responsibility to protect city equipment. All valves, service connections, tanks, pumps, and other equipment used to provide STEP service, with the exception of the building sewer, shall be owned by the city. Each user shall exercise proper care to protect city property on user premises. In the event of loss or damage to STEP service equipment resulting from the neglect of the user to care for it properly, the cost of necessary repairs or replacements shall be paid by the user.

(13) Change in wastewater constituents. A user shall notify the city of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change.

The manager may deny, limit, or terminate service for any new introduction or change based upon the information submitted in the notification.

(14) Private water supply. (a) A user without a metered, public water supply shall install on the private water supply source a water meter, approved by the manager as to type and location, for billing purposes. An easement to the meter location shall be granted to the city. The water meter shall remain the property of the user but shall be available for inspection and testing of the manager at any time. A user shall repair or replace a defective meter within thirty (30) days following notification of the manager. A meter must be replaced after measuring one million (1,000,000) gallons.

(b) At the discretion of the manager, a meter may be installed on the sewer service line.

(15) Unauthorized use of or interference with sewer system. No person or user shall turn on or off any city valve or otherwise tamper with city sanitary sewer system equipment, pipes or appurtenances, without permission of the manager.

(16) Interruption of service. The city will endeavor to furnish continuous sanitary sewer service, but does not guarantee continuous service. The city shall not be liable for any damage resulting from an interruption of service. In connection with the operation, maintenance, repair, and extension of the municipal sanitary sewer system, the city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

(17) User responsibility for violations. Where the city furnishes sewer service to a user, such user shall be responsible for all violations of these rules and regulations which occur on the premise so served. Personal participation by the user in any such violation shall not be necessary to impose such personal responsibility on the user.

(18) Schedule of rates; failure to connect; regulatory fines.[1] (a) Sewer service shall be furnished under such rate schedules as the city may adopt and amend from time to time by ordinance.

(b) The failure of a user to install a STEP system and connect to the public sanitary sewer as set forth in § 18-302(1)(d) shall not relieve the user of the financial responsibility of paying sewer charges, which shall be billed as if the user was connected.

(c) If the city receives regulatory fines related to equipment failure and sewage overflows caused by user misuse or negligence of equipment, all such fines shall be passed on to the responsible person or user. (Ord. #2014-7, Aug. 2014, as amended by Ord. #2018-001, Jan. 2018, modified)

18-202. General wastewater regulations. (1) Proper waste disposal required. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter or city or state regulations.

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[1]Sewer rates and fee schedules (and any amendments) are available in the office of the recorder.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in (g) below, the owner of a building, dwelling, or premises used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available, an owner shall within sixty (60) days after notice from the manager connect to the public sewer. Service is considered available when:

(i) A public sewer main is located in an easement, right-of-way, public access way, or road which abuts the property (a public sewer located on the far side of a road is deemed available for these purposes); and

(ii) When the service line to serve the building, dwelling, or premises will be three hundred feet (300') in length or less from the public sewer main.

(e) Discharging into the sanitary sewer without permission of the city is strictly prohibited and is deemed theft of service.

(f) Where public sewer is available, new construction shall connect to it even when an existing septic tank and drain field is available.

(g) Where a public sanitary sewer is not available under the provisions of (d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of subsection (2) of this section.

(h) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statues and regulations.

(2) Unavailability of public sewer. (a) Where a public sanitary sewer is not available, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The person shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local and state regulations. Before

commencement of construction of a private sewerage disposal system, the person shall first obtain a written approval from the county health department.

(d) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(e) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of the state.

(f) No statement contained in this section shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department.

(3) STEP system installation requirement; prohibited uses. (a) Where a public sanitary sewer is available, the user shall install a septic tank effluent pump (STEP) system according to the regulations of the city, which shall include a tank of water tight construction with a minimum capacity of one thousand five hundred (1,500) gallons, or as determined by the manager. Connection to the public sanitary sewer shall only be made after inspection and approval as set forth in § 18-301(5).

(b) The location of tanks, pumps, lines, and other equipment shall be subject to the approval of the manager. Installation shall follow design specifications as provided by the city.

(c) Access by the city to the STEP service equipment must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked or obstructed. The user shall be responsible for the maintenance and repair of the building sewer as set forth in subsection (5) of this section.

(d) The following uses are prohibited:

(i) Connection of roof guttering, sump pumps, or surface drains (see subsection (6) of this section).

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(vi) Discharge of cat litter or similar absorbent solids.

(vii) Discharge of nonwoven fabric wipes whether labeled "flush able" or not.

(4) Tank cleaning; additional charges. (a) Solids removal from the tank shall be the responsibility of the city. However, pumping required more

frequently than once every sixty (60) months shall be billed to the customer.

(b) Repeat service calls for similar STEP service equipment problems resulting from the neglect of the user shall be billed to the user at actual cost including, but not limited to, transportation, labor, materials, excavation, subcontractors, engineering fees, cleanup expenses, and other expenses related to the service call.

(5) Maintenance of building sewers. (a) Users shall be responsible for the construction, maintenance, repair, and replacement of the building sewer as deemed necessary by the manager to meet the specifications of the city. Users failing to maintain or repair a building sewer, or who allow stormwater or groundwater to enter the public sanitary sewer system, may face enforcement action up to and including discontinuation of service.

(b) The manager may inspect the facilities of any user to ascertain whether the provisions of this ordinance are being met.

(6) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a STEP system, building sewer, or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which exist shall be completely and permanently disconnected within sixty (60) days of notice from the manager. The user of any building sewer having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of groundwater shall be separate from the sanitary sewer.

(7) Trucked in waste. No trucked in waste shall be disposed into the wastewater system.

(8) Discharge regulations. (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interference. These general prohibitions apply to all such users of the sewer system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may face discontinuance of sewer service and other penalties and provisions. A user may not contribute the following substances to the sewer system:

(i) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, waste streams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees

Centigrade (60° C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, diesel, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and other flammable substances.

(ii) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(iii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, glass grinding, polishing wastes, or nonwoven fabric wipes whether labeled "flushable" or not.

(iv) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(v) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees Centigrade (40° C) one hundred four degrees Fahrenheit (104° F) unless approved by the State of Tennessee.

(vi) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin or synthetic oil in amounts that will cause interference or pass through.

(vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(viii) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(ix) Any trucked or hauled pollutants.

(x) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(xi) Any substance which will cause the WWF to violate its NPDES permit or the receiving water quality standards.

(xii) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(xiii) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(xiv) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.

(xv) Any wastewater which causes a hazard to human life or creates a public nuisance.

(xvi) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(xvii) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(xviii) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(xix) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation.

Industrial cooling water or unpolluted process waters may be discharged on approval of the city and the Tennessee Department of Environment and Conservation, to a stormsewer or natural outlet.

(xx) Water from the process of commercial car washing regardless of the style or type of that car washing process without an engineering capacity evaluation and written permission from the city.

(b) In addition to the general and specific prohibitions listed in this section, a user may be subject to additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving soils and/or groundwater from pass through contamination. (Ord. #2014-7, Aug. 2014)

18-203. Fat, oil, and grease regulations. (1) Control of fat, oil, and grease. The city encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fat, oil, and grease that is poured, drained or washed down drains into the sanitary sewer system.

(2) Discharge of fat, oil, and grease. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the WWF. Prohibited discharges include any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred milligrams (100 mg/l) or containing substances which may solidify or become viscous at temperature between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F) (zero to sixty-five degrees Centigrade (0 to 65° C)).

(3) Interference with sanitary sewer system operations. Any user who discharges animal or vegetable fat, oil, or grease in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified herein and may be billed for cleanup charges incurred by the city when that user's discharge causes operation and maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive FOG accumulation in lift stations and pipes, and other FOG related problems that are tracked to that user's discharge.

(4) Interference with sanitary sewer system operations. (a) All existing and new FSE shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of restaurant industry best management practices such as those published by the National Restaurant Association. If best management practices fail to prevent sanitary sewer system interferences, Class 1 FSE shall install and maintain grease control equipment as set forth below.

(b) All new Class 2, 3, 4, and 5 FSE shall install grease control equipment in sizes specified in § 18-303(5) and properly maintain that

equipment in such a way to prevent interference with the sanitary sewer system.

(c) Existing FSE that do not meet these minimum sizes may continue to use existing GCE and best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the manager gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the manager that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have thirty (30) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(d) All FSE with GCE shall maintain records of the cleaning and maintenance of that equipment. Records shall minimally include the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.

(e) Yellow grease such as fryer oil, shall not be discharged into the GCE or into stormwater conveyances. The use of yellow grease recycling containers is encouraged.

(f) An owner of commercial property will be held responsible for wastewater discharges from FSE leaseholders on their property.

(g) All FSE shall provide access to the city for the purpose of inspection of GCE, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge.

(5) Grease control equipment, minimum size. (a) The minimum acceptable GCE by FSE Class is as follows:

(i) Class 1: Twenty (20) gallons per minute/forty (40) pound grease trap;

(ii) Class 2: Five hundred (500) gallon grease interceptor;

(iii) Class 3: One thousand (1,000) gallon grease interceptor;

(iv) Class 4: One thousand five hundred (1,500) gallon grease interceptor;

(v) Class 5: Two thousand (2,000) gallon grease interceptor.

(b) A FSE that is found by the manager to be interfering with the sanitary sewer system may be directed to install GCE that is larger than the minimum size and take other steps to stop that interference.

(c) Existing FSE that do not meet these minimum sizes may continue to use existing GCE and best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the manager gives written permission stating that the current GCE

and practices are preventing interference with the sanitary sewer system. Upon written notice from the manager that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty (60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(d) A FSE that discharges the water from a dishwashing machine through a grease interceptor shall install a GCE which is larger than the minimum to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system.

(e) Grease traps. These small, under-the-counter units shall be installed according to drawings provided by the manager and shall include a vented flow restrict or prior to the trap. Dishwashing machines shall not be installed onto these units. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor.

(6) Installation of grease control equipment. Users are responsible for installation of grease control equipment (GCE) in accordance with the following:

(a) Grease traps shall be installed according to the requirements in § 18-305(e).

(b) Grease interceptors shall be substantially similar to sample drawings available from the city.

(c) Tanks must be water tight and be protected from rainwater inflow and infiltration.

(d) Two (2) access manholes with a minimum of twenty-four inch (24") diameter shall be provided, one (1) directly over the influent pipe and tee and one (1) directly over the effluent pipe and tee.

(e) Influent and effluent pipes shall be four inches (4") or larger, PVC schedule 40 or stronger.

(f) Influent and effluent pipes shall be equipped with tee fittings properly positioned so that the influent flow shall be directed downward to a tee that terminates twenty-four inches (24") below the water surface, with the effluent tee blocking all surface grease and terminate twelve inches (12") above the bottom of the unit.

(g) The tank shall be constructed to have two (2) compartments. Two thirds (2/3) of the volume shall be in the influent side and one third (1/3) on the effluent side. A solid baffle wall shall extend from the bottom to within six inches (6") of the top and shall be equipped with a six inch (6") elbow installed in the baffle wall with drawing flow from the influent side of the unit at a depth of twelve inches (12") from the bottom.

(h) Manhole covers shall be of materials and strength to withstand expected surface loads, and secured to prevent accidental entry.

(i) Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.

(j) Interceptor sizes greater than two thousand five hundred (2,500) gallons shall be served by two (2) tanks installed in series.

(7) Maintenance of grease control equipment. Users are responsible for maintenance of the grease control equipment as follows:

(a) Grease traps should be cleaned once every two (2) weeks, or more often, when the combined depth of FOG and solids exceed fifty percent (50%) of the trap.

(b) Grease interceptors shall be pumped when the layer of FOG and settled solids combined reaches twenty-five percent (25%) of the tank depth.

(c) When grease interceptors are pumped, the entire contents, FOG layer, settled solids and water shall be fully removed. No water may be returned to the tank.

(d) Interceptors shall be inspected for deterioration and damage by the waste grease hauler each time the unit is cleaned.

(e) Deteriorated or damaged tanks shall be repaired or replaced within sixty (60) days of such deterioration or damage being noticed.

(8) Use of additives. The use of additives is prohibited except under the following conditions:

(a) Additives may be used to clean FSE drain lines but only in such quantities that will not cause FOG to be discharged from the GCE to the sanitary sewer or cause temporary breakdown of the FOG that will later re-congeal in the downstream sewer pipes.

(b) If a product used can be proven to contain one hundred percent (100%) live bacteria, with no other additives, a request for permission to use the product shall be made to the manager. The request must be submitted in writing with a full disclosure material safety data sheet and a certified statement from the manufacturer.

(9) Implementation. The manager is authorized to adopt reasonable operating policies to facilitate the implementation of this chapter. These policies may include but are not limited to FSE inspections, GCE sizing and maintenance, FSE wastewater discharge testing and monitoring, approval or disapproval of GCE servicing vendors (grease waste haulers), permitting of FSE and other operating policies needed to protect the sanitary sewer system from interference from FOG.

(10) Permitting. The city is authorized to issue FSE permits as a way of implementing this chapter, and may further require the permitting or certification of GCE service and pumping vendors. (Ord. #2014-7, Aug. 2014)

18-204. Enforcement and abatement. (1) Legal action. If any person or user discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city or manager, the

manager may commence an action for appropriate legal and equitable relief in the chancery court of the county.

(2) Declaration of public nuisance. Discharges of wastewater in any manner in violation of this chapter is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person or user creating a public nuisance shall be subject to the provisions of the city code of ordinances governing such nuisance.

(3) Correction of violation; collection of costs. In order to enforce the provisions of this chapter, the manager is authorized to correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the violating person or user, and the manager shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(4) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to the WWF, the city shall assess a charge against the user for work required to clean or repair the facility and add such charge to the user's sewer service charge.

(5) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter or any conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment or toxicity standard, shall be liable civilly. The city shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.

(6) Civil penalties. Any user who is found to have violated an order of the manager or who willfully or negligently failed to comply with any provision of this ordinance, and the order, rules, regulations and permits issued hereunder, shall be guilty of an offense and subject to a fine. Each day or part of a day during which a violation shall occur or continue shall be deemed a separate and distinct offense.

(7) Termination of water service for noncompliance with certain sections.[1] As an additional method of enforcing the provisions of this ordinance, the manager shall have the right to seek the discontinuation of water service to

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[1]These provisions shall not apply to customers receiving sewer service funded by the city with 2014 grant funds from the United States Department of Agriculture, Rural Development:

(1) § 18-301(1)--(4)(b).

(2) § 18-302(2) and (3)(a), provided that city cost responsibility for the installation of the sewer service line shall be a maximum distance of one hundred fifty (150) lineal feet.

any user who is in violation; provided, however, that before discontinuance of water service, a ten (10) day notice shall be given the user; and provided, further, that water service shall be resumed upon satisfactory showing being made to the manager that arrangements have been made for compliance with the provisions of this ordinance. (Ord. #2014-7, Aug. 2014)

TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]