

**THE  
CHAPEL HILL  
MUNICIPAL  
CODE**

Prepared by the



**Municipal Technical Advisory Service**

*In cooperation with the Tennessee Municipal League*

November 2022

**TOWN OF CHAPEL HILL, TENNESSEE**

**MAYOR**

Mike Faulkenberry

**VICE MAYOR**

Marion Joyce

**ALDERMEN**

Dale Brown  
Jonathan Gilbert  
Dottie Morton  
Benjamin Piper  
Joe Sedlak

**RECORDER**

Phillip Dye

**CITY ATTORNEY**

J. Todd Moore

## PREFACE

The Chapel Hill Municipal Code contains the codification and revision of the ordinances of the Town of Chapel Hill, 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 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/town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city/town 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 and Nancy Gibson is gratefully acknowledged.

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

SECTION 15. Ordinances and Resolutions: Procedures Required for Passage. (a) No bill shall become an ordinance without having passed on two (2) separate days by majority vote of the quorum of the Board, both of which shall not be at the same meeting; except no appropriation of money, or order involving it, or levy of taxes, shall be made unless the ordinance authorizing the same be passed on three (3) separate days by a majority of the entire Board. Separate days means separate meetings, not recessed meetings. A public hearing on an ordinance shall be advertised and held prior to final passage.

Ordinances shall be introduced in writing, and when passed, shall be signed by Mayor and attested by the Recorder, and incorporated in the minutes of the Board together with full recitals of their introduction and passage.

An Ordinance shall take effect fifteen (15) days after its final passage or at such time after fifteen (15) days if so specified in the ordinance. An emergency ordinance may take effect immediately after final passage provided it states that an emergency exists, the circumstances and reasons for the emergency, and sufficient detail to demonstrate that passage of the ordinance will abate the emergency.

Prior to final passage, the ordinance or caption and summary thereof may be published in a newspaper of general circulation in the Town, or in like manner the ordinance may be published after final passage, but such publication shall not be mandatory and ordinances duly passed shall be effective without publication.

(b) Resolutions shall be introduced in writing and, when passed, shall be signed by the Mayor and attested by the Recorder, and incorporated in the minutes of the Board together with full recitals of their introduction and passage. Resolutions require one (1) passage and take effect immediately, unless otherwise stated.

(c) Certified copies of the minutes, or portions of the minutes, showing the passage of an ordinance or resolution on final reading, shall be full and sufficient evidence of the ordinance or resolution in all trials in any court of this State, the certificate to be made by the Recorder under the seal of the Town.

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## TITLE 1

### GENERAL ADMINISTRATION<sup>1</sup>

#### CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. TREASURER.
5. TOWN ADMINISTRATOR.
6. CODE OF ETHICS.
7. MUNICIPAL ELECTIONS.

#### CHAPTER 1

### BOARD OF MAYOR AND ALDERMEN<sup>2</sup>

#### SECTION

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

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall hold regular monthly meetings at 6:00 P.M. on the second Monday of each month at the town hall. If the regular meeting falls on a holiday, or on a day observed as a holiday, the regular meeting shall be held at the same time and place on the next regular work day. (2005 Code, § 1-101, modified)

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

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<sup>1</sup>Municipal code references

Fire department: title 7.

Utilities: title 18.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter references

Compensation, qualifications, etc.: § 6.

Elections: § 8.

Meetings: § 13.

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Amendment and approval of agenda.
- (4) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (5) Citizen input.
- (6) Communications from the mayor.
- (7) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (8) Old business.
- (9) New business.
- (10) Adjournment. (2005 Code, § 1-102)

**1-103. General rules of order.** (1) The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Newly Revised*, shall govern the transaction of business by and before the board of mayor and aldermen 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.

(2) Questions regarding procedure and interpretation of rules of order shall be directed to the town attorney if present. If the town attorney is not present, the mayor shall answer questions of procedure and interpretation of *Robert's Rules of Order*. The ruling of either the town attorney or mayor stands unless overruled by a majority of the board. (2005 Code, § 1-103)

**1-104. Compensation for the board of mayor and aldermen.** The mayor and aldermen shall be paid a salary of three hundred dollars (\$300.00) per month. (2005 Code, § 1-104, modified)

**CHAPTER 2****MAYOR<sup>1</sup>****SECTION**

1-201. Duties of mayor.

1-202. Executes town's contracts.

**1-201. Duties of mayor.** The mayor shall perform such duties as provided by the charter and any ordinances duly enacted by the board of mayor and aldermen consistent with the charter. (2005 Code, § 1-201)

**1-202. Executes town's contracts.** The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (2005 Code, § 1-202)

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<sup>1</sup>Charter references

Compensation: § 6.

Election: § 8.

Powers and duties: § 14.

Qualifications for office: § 6.

**CHAPTER 3****RECORDER<sup>1</sup>****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

**1-301. To be bonded.** The recorder shall be bonded in such sum as may be fixed by resolution of the board of mayor and aldermen. (2005 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (2005 Code, § 1-302)

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<sup>1</sup>Charter reference

Bond, compensation, duties: § 25.

**CHAPTER 4****TREASURER<sup>1</sup>****SECTION**

1-401. To be bonded.

1-402. Duties.

**1-401. To be bonded.** The treasurer shall execute a bond in a sum fixed by the board, conditioned upon the faithful and honest performance of the duties of the office. (2005 Code, § 1-401)

**1-402. Duties.** The treasurer shall perform the following duties:

(1) Receive and receipt for taxes and other revenues and bonds of the town;

(2) Have charge of all monies of the town and keep account of all funds of whatever kind which may come into his hands;

(3) Exercise general supervision over the fiscal affairs of the town;

(4) Have custody of all papers, records, and vouchers relating to the fiscal affairs of the town;

(5) Have general accounting supervision over all the town's property, assets and disposition thereof;

(6) Keep records showing the financial operation and condition, property, assets, claims and liabilities of the town, all expenditures authorized, and all contracts in which the town is interested; and

(7) Perform other duties as provided in the charter or by ordinance. (2005 Code, § 1-402)

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<sup>1</sup>Charter reference  
Treasurer: § 24.

## CHAPTER 5

### TOWN ADMINISTRATOR

#### SECTION

1-501. Administration of municipal business.

**1-501. Administration of municipal business.** The town administrator shall perform the following duties:

- (1) Administer the business of the town;
- (2) Employ, direct, control, supervise, discipline, suspend, discharge and terminate all employees of the town, except those appointed by the board, in accordance with policies and procedures adopted by the board; provided, however, a discharged or terminated employee shall have the right to appeal such discharge or termination to the board, pursuant to procedures established by the board;
- (3) Issue, or cause to be issued, licenses and permits on behalf of the town;
- (4) Act as purchasing agent for the town in the purchase of all materials, supplies and equipment for the proper conduct of town business; provided, all purchases shall be made in accordance with policies, procedures and practices approved or established by the board and state law;
- (5) Make recommendations to the board for improving the quality and quantity of public service to be rendered by the town to its citizens;
- (6) Keep the board and its members advised as to the condition and needs of the town;
- (7) Report to the board the condition of the town's property and recommend repairs and replacements as needed not in the budget;
- (8) Recommend to the board the priority of programs or projects involving public works or improvements that should be undertaken by the town;
- (9) Recommend the creation or abolishment of personnel positions;
- (10) Regularly attend board meetings; and
- (11) Perform such other duties as may from time to time be designated or required by the board. (2005 Code, § 1-501)

## CHAPTER 6

### CODE OF ETHICS

#### SECTION

- 1-601. Applicability and interpretation.
- 1-602. Definitions.
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in nonvoting matters.
- 1-605. Acceptance of gifts, gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Ethics opinions; complaints; investigations.
- 1-610. Violations and penalty.

**1-601. Applicability and interpretation.** (1) This chapter establishes the code of ethics for the town and 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 town. The words "city," "town" and "municipal" are interchangeable and shall include these separate entities. When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel provisions. In any situation in which a personal interest is also a conflict of interest under state law, the more restrictive provision shall apply.

(2) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics. (2005 Code, § 1-601)

**1-602. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) "Censure" means an expression of severe criticism or reproach.

(2) "Credible," for the purposes of complaints alleging that any official or employee has violated any provision of this chapter, means that the complaint is not:

- (a) Submitted anonymously.
- (b) Clearly unbelievable.
- (c) From a source not considered to be trustworthy under the circumstances.

(3) "Employment interest" includes a situation in which an official or employee or a designated family member is employed with or negotiating



possible employment with a person or organization that is the subject of a vote or that is to be regulated or supervised.

(4) "Gift" means the transfer of anything of economic value, regardless of form, without reasonable consideration. "Gift" may include a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred. "Gift" does not include political campaign contributions which are solicited or accepted in accordance with applicable laws and regulations.

(5) "Official" means the members of the board of mayor and aldermen, as well as members appointed thereby to town boards, commissions, committees, authorities, corporations or instrumentalities established by law or by this code. "Official" also includes the town judge.

(6) "Personal interest" means:

(a) Any financial, ownership or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests;

(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 immediate family. For the purposes of this chapter, "immediate family" includes spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes. (2005 Code, § 1-602)

**1-603. 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 from voting on the measure. (2005 Code, § 1-603)

**1-604. Disclosure of personal interest in nonvoting 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 discretion shall disclose the interest, before the exercise of the discretion when possible, on a form provided by and filed with the town recorder. Copies of such forms filed with the town recorder shall be provided to the town administrator and, in the case of an employee, filed in the employee's personnel file. In addition, the official or employee may, to the extent allowed by law, charter,

ordinance, or policy, recuse himself from the exercise of discretion in the matter. (2005 Code, § 1-604)

**1-605. Acceptance of gifts, gratuities, etc.** (1) An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the town:

(a) For the performance of an act, or refraining from performance of an act, that the individual would be expected to perform, or refrain from performing, in the regular course of the individual's duties; or

(b) That might reasonably be interpreted as an attempt to influence the individual's action, or reward the individual for past action, in executing municipal business.

(2) Unless impartiality and independent judgment of an official or employee would be compromised, this section shall not apply to meals provided to officials or employees or gifts of food, candy or other consumable items. (2005 Code, § 1-605)

**1-606. 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 and not available to the general public with the intent to result in financial gain for himself or any other person or entity. (2005 Code, § 1-606)

**1-607. Use of municipal time, facilities, etc.** An official or employee may not use or authorize the use of municipal time, facilities, equipment, supplies or other resources for private gain or advantage to himself or to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of mayor and aldermen to be in the best interests of the town. This prohibition shall not apply when the board of mayor and aldermen or other appropriate board, commission or committee has authorized the use of such resources and established policies governing such use. (2005 Code, § 1-607)

**1-608. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the town; provided, however, that this section shall not apply to reasonable amounts paid for:

(a) Food, transportation, lodging and other travel expenses incurred in accordance with the town's adopted travel policy.

(b) Dues, registrations, meals and similar expenses incurred in conjunction with membership or participation in a professional or

community organization to which the official or employee belongs in his official capacity.

(c) Meals purchased in the course of an official business meeting conducted on the town's behalf.

(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 in this chapter or by the charter, general law, or ordinance or policy of the town.

(3) No official or employee shall provide commercial or advertising endorsements in such a manner as to convey the town's approval of any private for-profit enterprise; provided, however, that an official or employee may respond to inquiries seeking information as to the town's experience with a vendor or other private enterprise. (2005 Code, § 1-608)

**1-609. Ethics opinions; complaints; investigations.** (1) Ethics officer. The town attorney is designated as the ethics officer of the town. The town attorney, in his discretion, may request the town administrator or board of mayor and aldermen appoint another attorney, individual or entity to act as ethics officer for the purposes of any specific investigation. For complaints considered by the board of mayor and aldermen under the provisions of this section, the board of mayor and aldermen may choose an individual or entity other than the town attorney to act as the ethics officer for the purposes of investigating the complaint.

(2) Ethics opinions. Upon the written request of an official or employee potentially affected by a provision of this chapter, the ethics officer may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(3) Ethics complaints and investigations. Allegations that any official or employee has violated any provision of this chapter will be processed and handled as follows:

(a) A complaint will be acted upon only if the complaint is in writing, signed by the person making the complaint and submitted to:

(i) The ethics officer, if the complaint is against any employee other than the town administrator or the ethics officer.

(ii) The town administrator, if the complaint is against the ethics officer or any official.

(iii) The mayor, if the complaint is against the town administrator.

(b) The ethics officer shall investigate any credible written complaint against an employee, other than the town administrator or the ethics officer.

(c) When a complaint is filed against the town administrator, the ethics officer, an appointed official or a member of the board of mayor and aldermen, the complaint shall be referred to the board of mayor and aldermen. For any such complaint, other than a complaint against the

town administrator, the town administrator may gather information and present pertinent facts to assist the board of mayor and aldermen in its determination. The board of mayor and aldermen, by majority vote of its entire membership, shall determine that the complaint is credible and that a violation of this chapter has occurred, that the complaint is not credible or does not have merit, or that the complaint has sufficient merit to warrant further investigation; except that if the complaint is filed against a member of the board of mayor and aldermen, the disposition of the complaint shall be determined by a majority vote of the remaining members of the board of mayor and aldermen. If the board of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the ethics officer, provided that the board of mayor and aldermen may choose an individual or entity other than the town attorney to act as the ethics officer for the purposes of the investigation.

(d) The ethics officer may also undertake an investigation on his own initiative when he acquires information indicating reasonable suspicion of a violation.

(e) Any person who is the subject of an investigation by the ethics officer shall be notified in writing at the beginning of the investigation and allowed the opportunity to respond to all allegations in person and/or in writing during the course of the investigation.

(f) In the course of an investigation, the ethics officer, at his discretion, may hold meetings and conduct interviews in person or by telephone, involving officials and employees of the town, as well as other individuals. The ethics officer may also request any information that he believes may be pertinent to the investigation. An employee's failure to cooperate in any investigation by the ethics officer shall be considered an act of insubordination and treated as such under the town's personnel rules and regulations.

(g) At the conclusion of an investigation, the ethics officer may issue written findings and make recommendations for action to end or seek remedies for any activity that, in the ethics officer's judgment, constitutes a violation of this code of ethics. For an investigation of any employee other than the town administrator, copies of such findings and recommendations shall be provided to the employee, the town administrator and the employee's department head. For an investigation of any other individual, copies of such findings and recommendations shall be provided to the town administrator, the board of mayor and aldermen and the individual who is the subject of the investigation. (2005 Code, § 1-609)

**1-610. Violations and penalty.** (1) A member of the board of mayor and aldermen who violates any provision of this chapter is subject to

punishment as provided by the town's charter and/or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. Any action taken by the board of mayor and aldermen against a member of the board of mayor and aldermen shall be determined by a majority vote of the remaining members of the board of mayor and aldermen.

(2) An official other than a member of the board of mayor and aldermen who violates any provision of this chapter is subject to punishment as provided by the town's charter and/or other applicable law. In addition, the board of mayor and aldermen may, by majority vote of its entire membership, censure the official or remove the official from office in such manner as may be permitted by law.

(3) In addition to any other remedy provided by law, an employee who violates any provision of this chapter is subject to disciplinary action, in accordance with the town's personnel rules and regulations, including but not limited to dismissal. (2005 Code, § 1-610)

CHAPTER 7

MUNICIPAL ELECTIONS

SECTION

1-701. Eligible non-resident property owners; absentee ballot.

**1-701. Eligible non-resident property owners; absentee ballot.** In accord with *Tennessee Code Annotated*, § 2-6-205, the Town of Chapel Hill, Tennessee non-resident property owners shall cast their municipal ballots as absentee mail ballots. (Ord. #2018-03, \_\_\_ \_\_\_\_\_)

**TITLE 2****BOARDS AND COMMISSIONS, ETC.<sup>1</sup>****CHAPTER**

1. INDUSTRIAL DEVELOPMENT BOARD.
2. RECREATION ADVISORY BOARD.
3. DESIGN REVIEW COMMISSION.

**CHAPTER 1****INDUSTRIAL DEVELOPMENT BOARD<sup>2</sup>****SECTION**

- 2-101. Purposes.
- 2-102. Directors.
- 2-103. Nonprofit status.

**2-101. Purposes.** The purposes for which the industrial development board is organized are to finance, acquire, own, lease, and/or dispose of properties, to increase employment opportunities, to promote industry, trade, commerce, tourism and recreation, agriculture and housing construction by inducing manufacturing, industrial, governmental, educational, financial, service, commercial, recreational and agricultural enterprises to locate in or remain in the Town of Chapel Hill, Tennessee, and to exercise the authority of and pursue the objectives of industrial development corporations as provided for in *Tennessee Code Annotated*, title 7, chapter 28, thereof (the "Act"). Prior to the financing of any project under the Act, the corporation shall have obtained the written approval of the governing body of the Town of Chapel Hill, Tennessee, to the financing of such project. (2005 Code, § 2-101)

**2-102. Directors.** The industrial development board shall have seven (7) directors, all of whom shall be duly qualified electors of and taxpayers in the Town of Chapel Hill, Tennessee, whose terms of office, qualifications and duties shall be as provided for in *Tennessee Code Annotated*, title 7, chapter 53, as amended. (2005 Code, § 2-102, modified)

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<sup>1</sup>Municipal code reference

Planning commission: title 14, chapter 1.

<sup>2</sup>The provisions of this chapter were taken from the Charter of the Industrial Development Board.

**2-103. Nonprofit status.** The industrial development board shall be a nonprofit corporation as provided for in *Tennessee Code Annotated*, title 7, chapter 28, and shall constitute a public instrumentality of the Town of Chapel Hill, Tennessee, but shall have no power to obligate the municipality in any way, all as provided for in *Tennessee Code Annotated*, title 7, chapter 28. (2005 Code, § 2-103)



## CHAPTER 2

### RECREATION ADVISORY BOARD

#### SECTION

- 2-201. Definitions.
- 2-202. Creation--eligibility.
- 2-203. Terms of board members.
- 2-204. Officers--meetings--quorum.
- 2-205. Powers and duties.
- 2-206. Vacancies.
- 2-207. Conflicts of interest.

**2-201. Definitions.** As used herein:

(1) "Board" means the Town of Chapel Hill Parks and Recreation Advisory Board; and

(2) "Parks" means areas of land owned by the town and used for public recreation purposes, picnic grounds, playgrounds, athletic fields, community centers, recreation centers, as well as other recreational facilities and open space used for the benefit of the public. (2005 Code, § 2-201)

**2-202. Creation--eligibility.** (1) There is hereby created a parks and recreation advisory board as a subsidiary commission of the board of mayor and aldermen, consisting of seven (7) voting members, each appointed by the mayor and approved by a majority vote of the board of mayor and aldermen. Appointments shall be made from citizens of recognized fitness for the position, based on a demonstrated interest in parks and recreation, and to some degree, based on professional training/expertise in related fields. The mayor and one (1) aldermen shall serve as two (2) of the seven (7) members of the board. The other initial members of the board shall include members of the existing parks and recreation board.

(2) Compensation. No board member shall receive any compensation for his or her services. (2005 Code, § 2-202)

**2-203. Terms of board members.** Board members shall be appointed to two (2) year terms running from January 1 through December 31, or until a member's successor is duly appointed and confirmed. Terms shall be staggered so that one-third (1/3) of terms expire each year. Members of the board serve at the will and pleasure of the mayor and may be removed at any time with or without cause and with or without notice. If any member whose term has expired wishes to remain on the park and recreation board, he shall submit an application to the mayor for appointment and approval by the board of mayor and aldermen. (2005 Code, § 2-203)

**2-204. Officers--meetings--quorum.** (1) Members of the board shall meet and organize by electing from the members of the board a chair and vice-chair and secretary and such other officers as may be necessary. The chair and vice-chair shall be elected for a one (1) year term taking office January 1. All board members present are eligible to vote. In the event the chair is unable to complete his or her term, the vice-chair will assume the position of the chair until the expiration of the one (1) year term, and a new vice-chair shall be elected. The town administrator or his proxy shall serve as an ex officio member of the park and recreation board.

(2) The chair shall preside at all meetings of the board and in his or her absence, the vice-chair shall preside.

(3) A majority of the board shall constitute a quorum, and affirmative votes shall be necessary to carry any proposition.

(4) A meeting of the board shall be held at least once every three (3) months.

(5) All meetings are required to abide by Tennessee state laws and required to be advertised in local newspaper in accordance with the Open Records Act. (2005 Code, § 2-204)

**2-205. Powers and duties.** The board shall:

(1) Develop bylaws consistent with this chapter to govern the internal affairs of the board. The Chapel Hill Board of Mayor and Aldermen must approve all bylaws;

(2) Advertise and make recommendations to the board of mayor and aldermen regarding acquisition, promotion, improvement, maintenance, and use of town parks, and advertise and make recommendations in regards to recreational programs and events. All recommendations presented to the board of mayor and aldermen should include estimates of the impact on the annual revenues and operating expenses, as well as the projected capital cost of the project;

(3) Make suggestions regarding available grants for the purpose of supporting town parks;

(4) Coordinate with the town administrator to assure that the board's recommendations are feasible and practical;

(5) Submit to the board of mayor and aldermen during March of each year a report of accomplishments for the previous year and an annual work-plan recommendation for the development and operation of the parks and recreation program and facilities, for the information of and as a recommendation to the board of mayor and aldermen in preparing the annual parks and recreation budget;

(6) Carry out other parks and recreation related tasks assigned by the board of mayor and aldermen or by ordinance; and

(7) Concurrently, the purchase of all materials, supplies, equipment and services shall be strictly regulated and performed by the Town of Chapel Hill and are required to have a purchase order. (2005 Code, § 2-205)

**2-206. Vacancies.** The office of any member shall become vacant upon his or her resignation delivered to the chairman of the board. Any member who misses three (3) regularly scheduled meetings in a calendar year will immediately and without notice be automatically removed from the board. The mayor shall then appoint and the board of mayor and aldermen shall approve a new member to serve the remainder of the removed member's term on the park and recreation board. (2005 Code, § 2-206)

**2-207. Conflicts of interest.** It is specifically understood that all members of the park and recreation advisory board shall with their appointments receive and accept the responsibilities of public trust and no member of the park and recreation advisory board, directly or indirectly, shall participate in any way in any decision, effort or function which even possibly ensures to his benefit, financially or otherwise. All members shall comply with the town ethics policy. (2005 Code, § 2-207)

## CHAPTER 3

### DESIGN REVIEW COMMISSION

#### SECTION

2-301. Created.

**2-301. Created.** A design review commission is hereby created and the planning commission is designated as the design review commission. The design review commission shall develop and adopt general guidelines for the exterior appearance of nonresidential property, multiple-family residential property, and any entrance to a nonresidential development within the town as authorized by *Tennessee Code Annotated*, § 6-54-133. (2005 Code, § 2-301)

**TITLE 3**

**MUNICIPAL COURT<sup>1</sup>**

**CHAPTER**

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

**CHAPTER 1**

**TOWN JUDGE**

**SECTION**

- 3-101. Town judge.  
3-102. Jurisdiction.

**3-101. Town judge.** The officer designated by the charter to handle judicial matters within the town shall preside over the town court and shall be known as the town judge. (2005 Code, § 3-101)

**3-102. Jurisdiction.** The town 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 not to exceed state authorized maximums. (2005 Code, § 3-102)

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<sup>1</sup>Charter references  
Town court: § 26.  
Town attorney: § 27.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

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

3-204. Disturbance of proceedings.

**3-201. Maintenance of docket.** The court clerk shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant. (2005 Code, § 3-201, modified)

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

In all cases heard or determined by him, the town judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases. (2005 Code, § 3-202)

**3-203. Disposition and report of penalties and costs.** All funds coming into the hands of the town judge in the form of penalties, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month he shall submit to the treasurer a report accounting for the collection or noncollection of all penalties and costs imposed by his court during the current month and to date for the current fiscal year. (2005 Code, § 3-203)

**3-204. Disturbance of proceedings.** It shall be unlawful for any person to create any disturbance of any trial before the town court. (2005 Code, § 3-204, modified)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 8-21-401.

## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

**3-301. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the town judge, the judge may, in his discretion, issue a summons ordering the alleged offender personally to appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (2005 Code, § 3-301)

**3-302. Issuance of subpoenas.** The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (2005 Code, § 3-302)

**CHAPTER 4****BONDS AND APPEALS****SECTION**

3-401. Appeals.

**3-401. Appeals.** Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days<sup>1</sup> next after such judgment is rendered, appeal to the circuit court upon posting a proper appeal bond. (2005 Code, § 3-401)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 27-5-101.



**TITLE 4**

**MUNICIPAL PERSONNEL**

**CHAPTER**

1. PERSONNEL POLICY.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL REIMBURSEMENT.

**CHAPTER 1**

**PERSONNEL POLICY**<sup>1</sup>

**SECTION**

- 4-101. Policy to be made by resolution.
- 4-102. At will status of employees.

**4-101. Policy to be made by resolution.** The board of mayor and aldermen shall from time to time, by resolution, determine and set details of the town's personnel policy which shall not be in conflict with this chapter or the town's charter. (2005 Code, § 4-101)

**4-102. At will status of employees.** All employees, except elected officials, are "at will" employees of the town; an employee has no property interest in employment by the town; and personnel policies set forth in resolutions adopted by the town will not constitute a contract of employment but are guidelines. (2005 Code, § 4-102)

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<sup>1</sup>The personnel rules and regulations and any amendments are of record in the recorder's office.

**CHAPTER 2**

**OCCUPATIONAL SAFETY AND HEALTH PROGRAM**<sup>1</sup>

**SECTION**

4-201. Adopted.

**4-201. Adopted.** The occupational safety and health program provisions are hereby adopted and incorporated herein as if fully set out at length herein. (Ord. #13-3, Feb. 2013)

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<sup>1</sup>The plan of operation for the Occupational Safety and Health Program for the Town of Chapel Hill is available in the recorder's office.

## CHAPTER 3

### TRAVEL REIMBURSEMENT

#### SECTION

- 4-301. Purpose.
- 4-302. Enforcement.
- 4-303. Travel policy.
- 4-304. Travel reimbursement rate schedules.
- 4-305. Administrative procedures.

**4-301. Purpose.** The purpose of this chapter and referenced regulations is:

(1) To bring the Town of Chapel Hill into compliance with *Tennessee Code Annotated*, § 6-54-901 to 6-54-907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

(2) To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. #14-05, July 2014)

**4-302. Enforcement.** The town administrator or Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #14-05, July 2014)

**4-303. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other actual and necessary expenses related to official business as determined by the

CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, air fares, meals, lodging, conferences and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

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

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

(6) To qualify for reimbursement, travel expenses must be:

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

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

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

(7) Any claim for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee and other reimbursable costs.

(8) Any person attempting to defraud the town or misuse town travel funds is subject to termination and legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. #14-05, July 2014, modified)

**4-304. Travel reimbursement rate schedules.** (1) Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the State of Tennessee rates are adjusted.

(2) The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (Ord. #14-05, July 2014)

**4-305. Administrative procedures.** The town adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the town recorder. (Ord. #14-05, July 2014)

## TITLE 5

### MUNICIPAL FINANCE AND TAXATION<sup>1</sup>

#### CHAPTER

1. PURCHASING.
2. REAL AND PERSONAL PROPERTY TAXES.
3. WHOLESALE BEER TAX.
4. DEBT POLICY.

#### CHAPTER 1

#### PURCHASING

#### SECTION

- 5-101. Definitions.
- 5-102. Purchasing agent.
- 5-103. General procedures.
- 5-104. Rejection of bids.
- 5-105. Sealed bid requirements for purchases of \$25,000.00 or greater.
- 5-106. Bid deposit.
- 5-107. Record of bids.
- 5-108. Consideration in determining bid awards.
- 5-109. Statement when award not given to low bidder.
- 5-110. Award in case of tie bids.
- 5-111. Emergency purchases.
- 5-112. Waiver of the competitive bidding process.
- 5-113. Goods and services exempt from competitive bidding.
- 5-114. Leases or lease-purchases beyond fiscal year.
- 5-115. Additional forms and procedures.

**5-101. Definitions.** For the purpose of implementing this chapter, the following definitions shall apply:

(1) "Bid." A vendor's response to an invitation for bids or request for proposal; the information concerning the price or cost of materials or services offered by a vendor.

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<sup>1</sup>Charter reference

Taxation and revenue: § 28.

Municipal code reference

Privilege tax on beer sales: § 8-209.

(2) "Bidder." Any individual, company, firm, corporation, partnership or other organization or entity bidding on solicitations issued by the town and offering to enter into contracts with the town.

(3) "Bid bond." An insurance agreement in which a third party agrees to be liable to pay a certain amount of money should a specific vendor's bid be accepted and the vendor fails to sign the contract as bid.

(4) "Bid opening." The opening and reading of the bids, conducted at the time and place specified in the invitation for bids and in the presence of anyone who wishes to attend.

(5) "Bid solicitation." Invitations for bids.

(6) "Capital items." Equipment which has a life expectancy of one (1) year longer and a value in excess of ten thousand dollars (\$10,000.00).

(7) "Competitive bidding." Bidding on the same undertaking or material items by more than one (1) vendor.

(8) "Evaluation of bid." The process of examining a bid to determine a bidder's responsibility, responsiveness to requirements, qualifications, or other characteristics of the bid that determine the eventual selection of a winning bid.

(9) "Fiscal year." An accounting period of twelve (12) months, July 1 through June 30.

(10) "Invitation for bid." All documents utilized for soliciting bids.

(11) "Invoice." A written account of merchandise and process, delivered to the purchaser; a bill.

(12) "Local bidder." A bidder who has and maintains a business office located within the corporate limits of Chapel Hill, Tennessee.

(13) "Pre-bid conference." A meeting held with potential vendors a few days after an invitation for bids has been issued to promote uniform interpretation of work statements and specifications by all prospective contractors.

(14) "Public purchasing unit." Means the State of Tennessee, any county, town, town, governmental entity and other subdivision of the State of Tennessee, or any public agency, or any other public authority.

(15) "Purchase order." A legal document used to authorize a purchase from a vendor. A purchase order, when given to a vendor, should be prenumbered and contain statements about the quantity, description, and price of goods or services ordered, agreed terms of payment, discounts, date of performance, transportation terms, and all other agreements pertinent to the purchase and its execution by the vendor.

(16) "Reject." Refuse to accept, recognize, or make use of; repudiate, to refuse to consider or grant.

(17) "Responsive bidder." One who has submitted a bid which conforms in all materials respects to the invitation for bids.

(18) "Sole source procurement." An award for a commodity which can only be purchased from one (1) supplier, usually because of its technological, specialized, or unique character.

- (19) "Town." The Town of Chapel Hill, Tennessee.
- (20) "Vendor." The person who transfers property, goods, or services by sale. (Ord. #2022-006, Oct. 2022)

**5-102. Purchasing agent.** The town administrator shall be the purchasing agent for the municipality. Except as otherwise provided in this policy, all supplies, materials, equipment, and services of any nature shall be approved and acquired by the purchasing agent or his/her representative. Purchases by other employees or officers of the town are prohibited unless approved by the purchasing agent. (Ord. #2022-006, Oct. 2022)

**5-103. General procedures.** The following procedures shall be followed by all town employees when purchasing goods or services on behalf of the town. For all purchases over one thousand dollars (\$1,000.00), a written purchase order for the item(s) to be purchased shall be created and delivered to the purchasing agent. Such request shall include a brief description of the item(s) to be purchased, specifications for the item being purchased, the estimated cost of the items, and shall indicate whether the item(s) have been approved in the annual budget.

(1) For purchases under one thousand dollars (\$1,000.00), the purchasing agent shall use his/her best offers to obtain the best value for the town but shall not be required to obtain competitive prices for these purchases.

(2) For purchases between one thousand and ten thousand dollars (\$1,000.00 and \$10,000.00), the purchasing agent shall obtain at least two (2) verbal or written quotes, documented and filed including the name of the vender, date and amount of quote. Bids for these purchases may be solicited by phone, direct mail, fax, email or any other method reasonably calculated to obtain competitive bids.

(3) For purchases between ten thousand and twenty-five thousand dollars (\$10,000.00 and \$25,000.00), the purchasing agent shall obtain at least two (2) written quotes and shall receive the approval of the mayor before making such purchase. Bids for these purchases may be solicited by phone, direct mail, fax, email or any other method reasonably calculated to obtain competitive bids.

(4) For purchases in excess of twenty-five thousand dollars (\$25,000.00), competitive sealed bids shall be obtained as set forth in § 5-105 below.

Nothing within this section shall prohibit the purchasing agent from obtaining quotes or conducting competitive bidding for purchases of the less than the amounts set forth above. (Ord. #2022-006, Oct. 2022)

**5-104. Rejection of bids.** The purchasing agent shall have the authority to reject any and all bids, parts of bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The purchasing agent may choose not to accept

the bid of a vendor or contractor who is in default on the payment of taxes, licenses, fees or other monies of whatever nature that may be due the town by said vendor or contractor. (Ord. #2022-006, Oct. 2022)

**5-105. Sealed bid requirements for purchases of \$25,000.00 or greater.** (1) On all purchases and contracts estimated to be in excess of Twenty-five thousand dollars (\$25,000.00), except as otherwise provided in this ordinance, formal sealed bids shall be submitted at a specified time and place to the purchasing agent. The purchasing agent shall submit all such bids for award by the board of mayor and aldermen at the next regularly scheduled board meeting or special-called meeting together with the recommendation as to the lowest responsive bidder.

(2) Notice inviting bids shall be published at least once in a newspaper of general circulation in Marshall County, and at least five (5) days preceding the last day to receive bids. The newspaper notice shall contain a general description of the article(s) to be secured, and the date, time, and place for opening bids.

(3) In addition to publication in a newspaper, the purchasing agent may take other actions deemed appropriate to notify all prospective bidders of the invitation to bid, including, but not limited to, advertisement in community bulletin boards, metropolitan newspapers, professional journals, and electronic media. (Ord. #2022-006, Oct. 2022)

**5-106. Bid deposit.** When deemed necessary, bid deposits may be prescribed and noted in the public notices inviting bids. The deposit shall be in such amount as the purchasing agent shall determine and unsuccessful bidders shall be entitled to a return of such deposits within ten (10) calendar days of the bid opening. A successful bidder shall forfeit any required deposit upon failure on his/her part to enter a contract within ten (10) days after the award. (Ord. #2022-006, Oct. 2022)

**5-107. Record of bids.** The purchasing agent shall keep a record of all bids submitted in competition thereon, including a list of the bidders, the amount bid by each, and the method of solicitation and bidding, and such records shall be open to public inspection and maintained in the town recorder's office. As a minimum, the bid file shall contain the following information:

- (1) Request to start bid procedures.
- (2) A copy of the bid advertisement.
- (3) A copy of the bid specifications.
- (4) A list of bidders and their responses.
- (5) A copy of the purchase order.
- (6) A copy of the invoice. (Ord. #2022-006, Oct. 2022)



**5-108. Considerations in determining bid awards.** The following criteria shall be considered in determining all bid awards:

- (1) The ability of the bidder to perform the contract or provide the material or service required.
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
- (4) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.
- (5) The quality of performance of previous contracts or services, including the quality of such contracts or services in other municipalities, or performed for private sector contractors.
- (6) The sufficiency of financial resources and the ability of the bidder to perform the contract or provide the service.
- (7) The ability of the bidder to provide future maintenance and service for the use of the supplies or contractual service contracted.
- (8) Compliance with all specifications in the solicitation for bids.
- (9) The ability to deliver and maintain any requisite bid bonds or performance bonds.
- (10) Total cost of the bid, including life expectancy of the commodity, maintenance costs, and performance. (Ord. #2022-006, Oct. 2022)

**5-109. Statement when award not given to low bidder.** When the award for purchases and contracts in excess of one thousand dollars (\$1,000.00) is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with all the other papers relating to the transaction. (Ord. #2022-006, Oct. 2022)

**5-110. Award in case of tie bids.** When two (2) or more vendors have submitted the low bid, the following criteria shall be used to award the bid:

- (1) If all bids received are for the same amount, quality of service being equal, the purchase contract shall be awarded to the local bidder.
- (2) If two (2) or more local bidders have submitted the low bid, quality of service being equal, the purchase contract shall be awarded by a coin toss or drawing lots.
- (3) If no local bids are received and two or more out-of-town bidders have submitted the low bid, quality of service being equal, the purchase contract shall be awarded by a coin toss or drawing lots.
- (4) When the award is to be decided by coin toss or drawing lots, representatives of the bidders shall be invited to observe. In no event shall such coin toss or drawing lots be performed with less than three (3) witnesses.

**5-111. Emergency purchases.** When in the judgment of the purchasing agent an emergency exists, the provisions of this chapter may be waived; provided, however, the purchasing agent shall report the purchases and/or contracts to the board of mayor and aldermen at the next regular board meeting stating the item(s) purchased, the amount(s) paid, from whom the purchase(s) was made, and the nature of the emergency. (Ord. #2022-006, Oct. 2022)

**5-112. Waiver of the competitive bidding process.** Upon the recommendation of the mayor, and the subsequent approval of the board of mayor and aldermen, that it is clearly to the advantage of the town not to contract by competitive bidding, the requirements of competitive bidding may be waived provided that the following criteria are met and documented in a written report to the board of mayor and aldermen:

(1) Single source of supply. The availability of only one vendor of a product or service within a reasonable distance of the town as determined after a complete and thorough search by the using department and the purchasing agent.

(2) State department of general services. A thorough effort was made to purchase the product or service through or in conjunction with the state department of general services or via state contract, such effort being unsuccessful.

(3) Purchase from other governmental entities. A thorough effort was made to purchase the product or service through or in conjunction with other municipalities or from any federal or state agency. These purchases may be made without competitive bidding and public advertisement.

(4) Purchases from non-profit organizations. A thorough effort was made to purchase the goods or services from any non-profit organization whose sole purpose is to provide goods and services specifically to municipalities.

(5) Purchases from Tennessee state industries. A thorough effort was made to purchase the goods or services from Tennessee state industries (prison industries).

(6) Purchases from instrumentalities created by two or more co-operating governments. An effort was made to purchase the goods or services from a co-op or group of governments which was formed to purchase goods and services for its members. (Ord. #2022-006, Oct. 2022)

**5-113. Goods and services exempt from competitive bidding.** The following goods and services need not be awarded on the basis of competitive bidding; provided, however, that the purchasing agent and/or the department head shall make a reasonable effort to assure that such purchases are made efficiently and in the best interest of the town:

(1) Certain insurance. The town may purchase tort liability insurance, without competitive bidding, from the Tennessee Municipal League or any other

plan offered by a governmental entity representing cities and counties. All other insurance plans, however, are to be awarded on the basis of competitive bidding.

(2) Certain investments. The town may make investments of municipal funds in, or purchases from, the pooled investment fund established pursuant to *Tennessee Code Annotated* § 9-17-105.

(3) Motor fuel, fuel products, or perishable commodities. Such commodities may be purchased without competitive bidding.

(4) Professional service contracts. Any services of a professional person or firm, including attorneys, accountants, physicians, architects, engineers, and other consultants required by the town, whose fee is less than ten thousand dollars (\$10,000.00), may be hired without competitive bidding. In those instances where such professional service fees are expected to exceed ten thousand dollars (\$10,000.00), a written contract shall be developed and approved by the board of mayor and aldermen prior to the provision of any goods or services.

Contracts for professional services shall not be awarded on the basis of competitive bidding; rather, professional service contracts shall be awarded on the basis of recognized competence and integrity. (Ord. #2022-006, Oct. 2022)

**5-114. Leases or lease-purchases beyond fiscal year.** All leases or lease-purchase contracts which would extend beyond the current fiscal year shall be approved by the board of mayor and aldermen. (Ord. #2022-006, Oct. 2022)

**5-115. Additional forms and procedures.** The purchasing agent is hereby authorized and directed to develop such forms and procedures as are necessary to comply with this chapter. (Ord. #2022-006, Oct. 2022)

**CHAPTER 2****REAL AND PERSONAL PROPERTY TAXES**<sup>1</sup>**SECTION**

5-201. When due and payable.

5-202. When delinquent; penalty and interest.

**5-201. When due and payable.** Taxes levied by the town against real and personal property shall become due and payable annually on the first day of October of the year for which levied. (2005 Code, § 5-301)

**5-202. When delinquent; penalty and interest.** 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. (2005 Code, § 5-302)

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<sup>1</sup>Charter reference

Taxation and revenue: § 28.

## CHAPTER 3

WHOLESALE BEER TAX

## SECTION

5-301. To be collected.

**5-301. To be collected.** The town treasurer is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in *Tennessee Code Annotated*, title 57, chapter 6.<sup>1</sup> (2005 Code, § 5-401)

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<sup>1</sup>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: § 8-209.

## CHAPTER 4

### DEBT POLICY<sup>1</sup>

#### SECTION

- 5-401. Definition of debt.
- 5-402. Approval of debt.
- 5-403. Transparency.
- 5-404. Role of debt.
- 5-405. Types and limits of debt.
- 5-406. Use of variable rate debt.
- 5-407. Use of derivatives.
- 5-408. Costs of debt.
- 5-409. Refinancing outstanding debt.
- 5-410. Professional services.
- 5-411. Conflicts.
- 5-412. Review of policy.
- 5-413. Compliance.

**5-401. Definition of debt.** All obligations of the town to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of town resources. This includes but is not limited to notes, bonds, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (2005 Code, § 5-501)

**5-402. Approval of debt.** Pursuant to state law, bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the town's board of mayor and aldermen prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the board of mayor and aldermen; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (2005 Code, § 5-502)

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<sup>1</sup>State law references

*Tennessee Code Annotated*, title 7, chapter 51, part 9: Contracts, leases and lease purchase agreements.

*Tennessee Code Annotated*, title 7, chapter 51, part 21: Local government public obligations law.

**5-403. Transparency.** (1) The town shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required local newspaper, bulletin boards, and website.

(3) All costs (including principal, interest, issuance, continuing, and one (1) time) shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled council meeting.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled council meeting.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens and the board of mayor and aldermen at the next regular scheduled council meeting.

(2005 Code, § 5-503)

**5-404. Role of debt.** Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the town will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

In accordance with Generally Accepted Accounting Principles (GAAP) and state law:

(1) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

(2) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (2005 Code, § 5-504)

**5-405. Types and limits of debt.** (1) A town property tax must be in place before debt may be issued that:

(a) Matures in more than twelve (12) fiscal years from the fiscal year of issuance, inclusive of renewals and extensions; or

(b) Causes the aggregate amount of debt outstanding (including the proposed debt) to exceed one million dollars (\$1,000,000.00).

(2) In the occurrence of a catastrophic event (i.e., tornado, earthquake, flood, or other natural disaster) the borrowing limit shall not be in effect for this type of event.

(3) The town will seek to limit total outstanding debt obligations to twenty-five percent (25%) of the assessed value of the town, excluding overlapping debt, enterprise debt, and revenue debt as determined by the annual audit.

(4) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(5) The town's total outstanding debt obligation will be monitored and reported to the board of mayor and aldermen on an annual basis during the budget approval process by the town recorder. The town recorder shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The town recorder shall also report to the board of mayor and aldermen any matter than adversely affects the credit or financial integrity of the town.

(6) The town has issued capital outlay notes in the past and is authorized to issue general obligation bonds, revenue bonds, tax increment financing, loans, notes and other debt allowed by law, as it determines most appropriate.

(7) The town will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(8) As a rule, the town will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the town may utilize non-level debt methods. However, the use of such methods will be thoroughly discussed in a public meeting and will be approved only if the mayor and board of aldermen determine such use is justified and in the best interest of the town.

(9) The town may use capital leases to finance short-term projects of five (5) years or less. (2005 Code, § 5-505)

**5-406. Use of variable rate debt.** (1) The town recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the town also recognizes there are inherent risks associated with the use of variable rate debt and chooses not to use variable rate debt.

(3) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of use of such rates must be submitted to the board of mayor and aldermen; and

(b) The board of mayor and aldermen must adopt a specific amendment to this policy concerning the use of variable interest rates. (2005 Code, § 5-506)

**5-407. Use of derivatives.** (1) The town chooses not to use derivative or other exotic financial structures in the management of the town's debt portfolio.

(2) Prior to any reversal of this provision:



(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the board of mayor and aldermen; and

(b) The board of mayor and aldermen must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (2005 Code, § 5-507)

**5-408. Costs of debt.** (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the board of mayor and aldermen in accordance with the notice requirements stated above.

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

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

(4) The town recorder will file necessary disclosure documents, including disclosure of costs to the comptroller's office as required by law. (2005 Code, § 5-508)

**5-409. Refinancing outstanding debt.** The town will refund debt when it is in the best financial interest of the town to do so, and the town recorder shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the board of mayor and aldermen, and all plans for current or advance refunding or debt must be in compliance with state laws and regulations.

The town recorder will consider the following issues when analyzing possible refunding opportunities:

(1) **Onerous restrictions.** Elimination of onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(2) **Economic purposes.** Restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the town recorder if the refunding generates positive present value savings, and the town recorder must establish a minimum present value savings threshold for any refinancing.

(3) **Term.** Maintenance of the term of the originally issued debt; consideration of maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The town recorder may

also consider shortening the term of the originally issued debt to realize greater savings. (2005 Code, § 5-509)

**5-410. Professional services.** The town shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the town and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(1) Counsel. If the town chooses to hire an attorney other than the town attorney, it shall enter into an engagement letter agreement with each lawyer or law firm representing the town in a debt transaction.

(2) Financial advisor. If the town chooses to hire financial advisors, the town shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions. Whether in a competitive or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which he has or have been providing advisory services for the issuance.

(3) Underwriter. If there is an underwriter, the town shall require the underwriter to clearly identify itself in writing (e.g., in a response to a request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the town with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the town. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the town recorder in advance of the pricing of the debt. (2005 Code, § 5-510)

**5-411. Conflicts.** Professionals involved in a debt transaction hired or compensated by the town shall be required to disclose to the town existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, bond counsel, trustee, paying agent, liquidity or credit enhancement provider, and underwriter), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the town to appreciate the significance of the relationships.

Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (2005 Code, § 5-511)

**5-412. Review of policy.** This policy shall be reviewed annually by the board of mayor and aldermen with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with the opportunity for public input. (2005 Code, § 5-512)

**5-413. Compliance.** The town recorder is responsible for ensuring substantial compliance with this policy. (2005 Code, § 5-513)

**TITLE 6****LAW ENFORCEMENT****CHAPTER**

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.
3. CITATIONS, WARRANTS, AND SUMMONSES.

**CHAPTER 1****POLICE DEPARTMENT****SECTION**

- 6-101. Police chief.
- 6-102. Police officers subject to chief's orders.
- 6-103. Police officers to preserve law and order, etc.
- 6-104. Police department records.

**6-101. Police chief.** The administrator shall hire the police chief, whose salary shall be fixed by the administrator within the budget for the police department. (2005 Code, § 6-101)

**6-102. 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. (2005 Code, § 6-102)

**6-103. Police officers to preserve law and order, etc.** Police officers shall preserve law and order within the town. They shall patrol the town and shall assist the town court during the trial of cases. Police officers shall also promptly serve any legal process issued by the town court. (2005 Code, § 6-103)

**6-104. Police department records.** The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

- (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 conveyed, fire calls answered, and other miscellaneous activities of the police department.
- (4) Any other records required to be kept by the board of mayor and aldermen or by law.

The police chief shall be responsible for insuring that the police department complies with the section. (2005 Code, § 6-104)

## CHAPTER 2

### ARREST PROCEDURES

#### SECTION

6-201. When police officers to make arrests.

6-202. Disposition of persons arrested.

**6-201. When police officers to make arrests.** 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:

(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 probable cause to believe the person has committed it. (2005 Code, § 6-201)

**6-202. Disposition of persons arrested.** A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (2005 Code, § 6-202)

## CHAPTER 3

### CITATIONS, WARRANTS, AND SUMMONSES

#### SECTION

6-301. Citations in lieu of arrest in non-traffic cases.

6-302. Summonses in lieu of arrest.

**6-301. Citations in lieu of arrest in non-traffic cases.**<sup>1</sup> Pursuant to *Tennessee Code Annotated*, § 7-63-101, *et seq.*, the board of mayor and aldermen designates the police chief and the building inspector/codes enforcer as having the authority to issue citations in lieu of arrest. The police chief or building inspector shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The building inspector/codes enforcer shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with *Tennessee Code Annotated*, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (2005 Code, § 6-301)

**6-302. Summonses in lieu of arrest.** Pursuant to *Tennessee Code Annotated*, § 7-63-201, *et seq.*, which authorizes the board of mayor and aldermen to designate certain town enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the police chief and the building inspector/codes enforcer to issue ordinance summonses in those areas. These enforcement officers may *not* arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of

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<sup>1</sup>Municipal code reference

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

sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

- (1) Have a summons issued by the clerk of the town court; or
- (2) May seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (2005 Code, § 6-302)

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS**<sup>1</sup>

**CHAPTER**

1. FIRE PROVISIONS ADOPTED.
2. FIREWORKS.

**CHAPTER 1**

**FIRE PROVISIONS ADOPTED**

**SECTION**

7-101. Fire codes adopted.

**7-101. Fire codes adopted.** The 2018 International Fire Code<sup>2</sup> and the NFPA 101, Life Safety Code,<sup>3</sup> 2018 edition, are hereby adopted by reference and included herein as part of the municipal code. (Ord. #15-6, Jan. 2016, modified)

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<sup>1</sup>Municipal code reference  
Building, utility and residential: title 12.

<sup>2</sup>Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<sup>3</sup>Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.



## CHAPTER 2

### FIREWORKS

#### SECTION

- 7-201. Definitions.
- 7-202. Permits and permit fees.
- 7-203. Permit revocation.
- 7-204. Unlawful sale to certain children and other persons; unlawful use.
- 7-205. Limited time period to use fireworks.
- 7-206. Manufacturing firework prohibited.
- 7-207. Violations and penalty.

**7-201. Definitions.** As used in this chapter, unless the content otherwise requires:

(1) "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of:

(a) All articles of fireworks classified as 1.4G, or referred to as "consumer fireworks" or "Class C common fireworks;"

(b) Theatrical and novelty, classified as 1.4G; or

(c) Display fireworks, classified as 1.3G, as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, 49 CFR parts 171-180.

(d) Exceptions:

(i) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p), and packed and shipped according to those regulations;

(ii) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models; and

(iii) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.

(2) "Mobile retailer" means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.

(3) "Permit" means the written authority of the city issued under the authority of this section.

(4) "Person" means any individual, firm, partnership, or corporation.

(5) "Retailer" means any person engaged in the business of making retail sales of fireworks to the general public.

(6) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by

any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).

(7) "State fire marshal permit" means the appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of *Tennessee Code Annotated*, § 68-104-101, *et seq.* (Ord. #17-12, Feb. 2018)

**7-202. Permits and permit fees.** (1) It is unlawful for any person to sell or to offer for sale in the Town of Chapel Hill any item of fireworks without first having secured a state fire marshal permit and a permit issued by the Town of Chapel Hill.

(a) Permits are not transferable.

(b) A permit (to sell fireworks to the general public) is valid only from June 20 through July 9 or December 21 through January 5.

(c) The permit fee for retail permits is five hundred dollars (\$500.00).

(2) A permit to sell fireworks in the Town of Chapel Hill must be obtained at least one (1) week prior to the date on which the applicant begins making sales. Each application shall contain the following:

(a) The application must include the name, address, and telephone number of applicant.

(b) The applicant must be the natural person who will operate or be responsible for sales.

(c) The applicant's name must be the same as the name on the state fire marshal permit.

(d) The applicant is liable for all violations of this chapter by persons under his/her supervision.

(3) A copy of the state fire marshal permit. (For a state permit to be obtained by a retailer, the mayor must sign in behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location.)

(4) A person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.

(5) After the application has been submitted and approved, a town codes inspector or the fire chief or his designee shall inspect the site for compliance with applicable codes and ordinances. (Ord. #17-12, Feb. 2018)

**7-203. Permit revocation.** (1) The codes director or fire official may revoke any permit upon failure of retailer to correct any of the following conditions within thirty-six (36) hours after the codes director gives written notice:

(a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the city codes director.

(b) When the permittee's application contains any false or untrue statements.

(c) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.

(d) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the codes director or fire official, or both, may revoke the permit immediately. (Ord. #17-12, Feb. 2018)

**7-204. Unlawful sale to certain children and other persons; unlawful use.** (1) It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person.

(2) It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred feet (200') of where fireworks are stored, sold, or offered for sale without prior approval by the town administrator or mayor.

(3) It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle.

(4) It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons.

(5) It is unlawful to use fireworks at times, places, or in any manner that endangers other persons.

(6) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. "Property of another person" includes hotel and motel property, apartment property, and condominium property, where an owner, management company, or association has or retains authority and control over the use of the property or common areas.

(7) No adult person other than the person igniting, discharging, or using a consumer firework shall be within twenty-five feet (25') of a consumer firework that is being ignited, discharged, or used, and no minor shall be within fifty feet (50') of a consumer firework that is being ignited, discharged, or used, unless such adult or minor is on his or her own neighboring property. Any person with control over the property who allows any adult or minor to violate this subsection shall also be in violation of this subsection.

(8) It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the Town of Chapel Hill Fire Department, except for public (and/or group) displays for which permits have been granted. (Ord. #17-12, Feb. 2018)

**7-205. Limited time period to use fireworks.** It is unlawful to discharge or use fireworks except for the following time periods.

(1) June 28 through July 4. The permissible hours are from 10:00 A.M. to 10:00 P.M., except for July 4, when permissible hours are from 10:00 A.M. to 12:00 A.M. on July 5.

(2) December 31 and January 1. The permissible hours are from 8:00 P.M. on December 31 to 1:00 A.M. on January 1. (Ord. #17-12, Feb. 2018)

**7-206. Manufacturing firework prohibited.** No person shall manufacture any firework with the town. (Ord. #17-12, Feb. 2018)

**7-207. Violations and penalty.** (1) Violations of any provision of this chapter shall be subject to a penalty of up to fifty dollars (\$50.00) per violation. Officials may also confiscate fireworks being used unlawfully.

(2) Enforcement of §§ 7-204, 7-205, and 7-206 shall be conducted by police officers of the Chapel Hill Police Department.

(3) Any individual who fails to cease the discharge or use of fireworks after receiving a lawful command from a peace officer shall be charged with disorderly conduct under *Tennessee Code Annotated*, § 39-17-305. (Ord. #17-12, Feb. 2018)

## TITLE 8

### ALCOHOLIC BEVERAGES<sup>1</sup>

#### CHAPTER

1. PACKAGE LIQUOR STORES.
2. BEER.
3. ON-PREMISES CONSUMPTION OF LIQUOR AND WINE.

#### CHAPTER 1

### PACKAGE LIQUOR STORES

#### SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Application for certificate.
- 8-103. Applicant to agree to comply with laws.
- 8-104. Applicant to appear before board of mayor and aldermen;  
duty to give information.
- 8-105. Action on application.
- 8-106. Applicants for certificate who have criminal record.
- 8-107. Only one establishment to be operated by retailer.
- 8-108. Where establishments may be located.
- 8-109. Limitation on number of retailers.
- 8-110. Sales for consumption on premises.
- 8-111. Radios, amusement devices and seating facilities prohibited  
in retail establishments.
- 8-112. Inspection fee.
- 8-113. Violations and penalty.

**8-101. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this town, except as provided by *Tennessee Code Annotated*, title 57, chapter 3.

**8-102. Application for certificate.**<sup>2</sup> (1) Before any certificate, as required by *Tennessee Code Annotated*, § 57-3-208 or a renewal as required by

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<sup>1</sup>State law reference  
*Tennessee Code Annotated*, title 57.

<sup>2</sup>State law reference  
*Tennessee Code Annotated*, § 57-3-208.

*Tennessee Code Annotated*, § 57-3-213 shall be signed by the mayor, or by any aldermen<sup>1</sup>, an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (a) Name, age and address of the applicant.
- (b) Time of residence in the city.
- (c) Occupation or business and length of time engaged in such occupation or business.
- (d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (e) If employed, the name and address of employer.
- (f) If in business, the kind of business and location thereof.
- (g) The location of the proposed store for the sale of alcoholic beverages.
- (h) The name and address of the owner of the store.
- (i) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.
- (j) Certain financial information pertinent to the applicant, partnership, corporation and partners or stockholders.

(2) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (Ord. #12-03, Aug. 2012)

**8-103. Applicant to agree to comply with laws.** The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (Ord. #12-03, Aug. 2012)

**8-104. Applicant to appear before board of mayor and aldermen; duty to give information.** An applicant for a certificate of compliance may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (Ord. #12-03, Aug. 2012)

**8-105. Action on application.** (1) Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the

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<sup>1</sup>*Tennessee Code Annotated*, § 57-3-208 requires the certificate to be signed by the mayor or a majority of the governing body.

city attorney for review, each of whom shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed.

(2) The board of mayor and aldermen may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen. (Ord. #12-03, Aug. 2012)

**8-106. Applicants for certificate who have criminal record.** No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (Ord. #12-03, Aug. 2012)

**8-107. Only one establishment to be operated by retailer.** No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the town. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (Ord. #12-03, Aug. 2012)

**8-108. Where establishments may be located.** It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the town except at locations zoned for that purpose. In addition, no such establishment shall be permitted to operate within two hundred fifty feet (250') of any existing school or its playground, day care, church, city park or a private residence. For purposes of this section, all distances shall be measured in a straight line from the closest point of the applicant's building to the closest point of the building of the nearest church, day care, or residence (building-to-building); or from the closest point of applicant's building to the closest point of the property boundary of a city park (building-to-property boundary). (Ord. #13-01, Feb. 2013)

**8-109. Limitation on number of retailers.**<sup>1</sup> Provided that each proposed retail establishment for the sale, storage or distribution of alcoholic beverages in the town shall meet all of the other requirements of this chapter

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 57-3-208(c).

and is properly licensed through the State of Tennessee, there shall be no limitation on the number of retail package liquor stores within the town. (Ord. #12-06, Dec. 2012)

**8-110. Sales for consumption on premises.** No alcoholic beverages shall be sold for consumption, or shall be consumed, on the premises of the retail seller. (Ord. #12-03, Aug. 2012)

**8-111. Radios, amusement devices and seating facilities prohibited in retail establishments.** No radios, television sets, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (Ord. #12-03, Aug. 2012)

**8-112. Inspection fee.** Pursuant to *Tennessee Code Annotated*, § 57-3-501, *et seq.*, there is hereby imposed an inspection fee of eight percent (8%) of the wholesale price of alcoholic beverages supplied by wholesalers to licensees operating within the town. This fee shall be collected by the wholesaler making such sales, who shall remit the fees to the town at such times and in such manner as provided in *Tennessee Code Annotated*, § 57-3-503, accompanied by such forms and other information as the town may prescribe. Wholesalers collecting and remitting this inspection fee shall be allowed to deduct the collection fee authorized by the above statute. (Ord. #17-1, April 2017)

**8-113. Violations and penalty.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. However, nothing herein shall be construed to prevent the city from exercising any criminal or civil remedies that it may have with respect to violations of this chapter. (Ord. #12-03, Aug. 2012)



**CHAPTER 2****BEER**<sup>1</sup>**SECTION**

- 8-201. Purpose.
- 8-202. Definitions.
- 8-203. Beer board established.
- 8-204. Meetings of the beer board.
- 8-205. Record of beer board.
- 8-206. Requirements for beer board quorum and action.
- 8-207. Powers and duties of the beer board.
- 8-208. Permit required for engaging in beer business.
- 8-209. Privilege tax.
- 8-210. Restrictions on granting permits.
- 8-211. Application and issuance of permits.
- 8-212. Beer permits restricted to certain businesses.
- 8-213. Compliance with zoning ordinance.
- 8-214. Requirements of retail stores; on premises permit holders.
- 8-215. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-216. Prohibited conduct or activities by permit holders.
- 8-217. Permit must be in the name of the person who owns business.
- 8-218. Permit to be posted.
- 8-219. Premises selling beer subject to inspection.
- 8-220. Revocation of beer permits.
- 8-221. Civil penalty in lieu of suspension.
- 8-222. Beer permits issued by Marshall County.
- 8-223. Special events permit; restrictions.
- 8-224. Violations and penalty.

**8-201. Purpose.** This chapter is adopted to regulate the sale of beer or other beverages of like content as herein defined, within the Town of Chapel Hill, Tennessee. (2005 Code, § 8-201)

**8-202. Definitions.** The following definitions are applicable to this chapter:

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<sup>1</sup>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).

(1) "Beer" shall mean all beer of alcoholic content of not more than eight percent (8%) by weight, or any other beverage of like content, except wine as defined in *Tennessee Code Annotated*, § 57-3-101(a)(20).

(2) "Beer board" shall mean beer board as hereinafter established in § 8-203.

(3) "Board" shall mean the Board of Mayor and Aldermen of the Town of Chapel Hill, Tennessee.

(4) "Mayor" shall mean the Mayor of the Town of Chapel Hill, Tennessee or vice mayor when acting in the absence of the mayor.

(5) "Notice" shall mean publication in a newspaper of general circulation in the town if notice to the public, by U.S. mail, postage prepaid, if notice is to the beer board members, and by U.S. mail certified return receipt requested from permit holder, postage prepaid, if notice is to a permit holder.

(6) "Person" shall mean person, firm, corporation, joint-stock company, syndicate or association.

(7) "Premises" shall mean the interior of a building or structure including contiguous interior spaces which are not separated by a permanent solid wall from other portions of the building or structure under the same roof, and where applicable shall include the parking areas adjacent to or servicing the premises.

(8) "Town" shall mean the Town of Chapel Hill, Tennessee. (2005 Code, § 8-202)

**8-203. Beer board established.** (1) There is hereby established a beer board to be composed of three (3) members appointed by the mayor, with consent of the board, each of whom shall hold office for three (3) years or until their successors are appointed; however, the mayor, without consent of the board, shall and upon passage of this chapter, appoint in writing one (1) member for a term to expire July 1, 2002, one (1) member for a term to expire July 1, 2003, and one (1) member for a term to expire July 1, 2004;

(2) Members of the beer board shall be residents of the town and shall receive no compensation;

(3) An annual organizational meeting of the beer board shall be held in July of each year and from its membership shall be elected a chairman and secretary. (2005 Code, § 8-203)

**8-204. Meetings of the beer board.** All actions and meetings of the beer board shall be open to the general public and no action shall be taken in secret. The beer board shall hold regular meetings in the town hall on the second Tuesday of each January and July at 5:00 P.M. When there is business to come before the beer board, a special meeting may be called by the chairman or two members. Notice of regular and special meetings shall be published not less than six (6) days before the meeting. Notice of special meetings shall

contain items to be considered and no other items shall be considered by the board. (2005 Code, § 8-204)

**8-205. Record of beer board.** The town recorder shall keep minutes of the meetings and proceedings of the beer board, which shall be a public record kept in the town hall, contain the dates of all meetings, the names of the board members present and a record of all matters heard by the beer board and all action taken thereon. All votes shall be by roll call duly recorded in the minutes. (2005 Code, § 8-205)

**8-206. Requirements for beer board quorum and action.** The attendance of a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the beer board shall be decided by a majority of the members present. Any member present but not voting shall be deemed to have cast a "nay" vote. (2005 Code, § 8-206)

**8-207. Powers and duties of the beer board.** The beer board shall have the authority to regulate the transporting, storing, selling, distributing, possessing or receiving of beer within the town in accordance with the provisions of this chapter. The beer board is hereby given broad powers to investigate and shall have authority to inspect the premises of any applicant or permit holder at reasonable hours. (2005 Code, § 8-207)

**8-208. Permit required for engaging in beer business.** It shall be unlawful for any person to sell or store for sale beer without making application to and obtaining a permit from the beer board. Applications shall be filed not less than fourteen (14) days before being considered at either a regular or special meeting. Upon receipt of an application, the town recorder shall mail/deliver copies of the application to board members. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated*, § 57-5-104(a), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). If this fee is not paid or if the check is returned for any reason, the application shall not be considered by the board. Each applicant must be a person of good moral character, and certify that he has read and is familiar with the provisions of this chapter. (2005 Code, § 8-208)

**8-209. Privilege tax.** There is hereby imposed on the business of selling beer an annual privilege tax of one hundred dollars (\$100.00), which shall be paid in January of each year. If a permit is issued in any month other than January, the applicant shall pay a privilege tax prorated to the next January before the board issues a permit. Notice to each permit holder shall be mailed to the address specified on the permit. If a permit holder does not pay the tax by January 31, the town shall notify the permit holder that the tax payment is

past due and is subject to a penalty of one thousand dollars (\$1,000.00). If the permit holder does not pay the tax within ten (10) days after receiving such notice, then the permit shall be void and shall not be reinstated without a new applicant and application fee being submitted to the beer board. 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. (2005 Code, § 8-209)

**8-210. Restrictions on granting permits.** No permit shall be issued to sell beer in violation of any state law, town ordinance, or this chapter or any amendment thereto. The judgment of the beer board on such matters shall be final subject to review pursuant to *Tennessee Code Annotated*, § 57-5-109. (2005 Code, § 8-210)

**8-211. Application and issuance of permits.** Applications shall be issued only to the owner of the business and each applicant must state:

- (1) The applicant's permanent address;
- (2) The location of the premises at which the business shall be conducted;
- (3) The owner or owners of the premises and the terms of any lease relative thereto;
- (4) The names and addresses of all persons having a financial interest in the beer business proposed to be established;
- (5) The name and address of person operating the business;
- (6) No person will be employed in the handling or sale of beer that has been convicted within the past ten (10) years of any law against possession, sale, manufacturing or transportation of alcohol or any crime involving moral turpitude;
- (7) That applicant will not engage in the sale of beer except on the premises for which the permit has been issued;
- (8) That no sale of alcohol will be made except in accordance with the permit and in accordance with all state laws;
- (9) That no sale shall be made for consumption on premises and no consumption will be permitted on the premises;
- (10) No sale shall be made to minors; and
- (11) Such other information as may be requested on the application for beer permit. (2005 Code, § 8-211)

**8-212. Beer permits restricted to certain businesses.** The beer board shall only issue or renew permits:

- (1) To sell in retail packages for off premises consumption, if the business satisfies the requirements of § 8-214;
- (2) To a local chapter of a nationally organized and recognized club or lodge wherein beer may be sold at retail to its members to be consumed on the premises of the club or lodge; or

(3) To sell for on premises consumption, if the business satisfies the requirements of § 8-214. (2005 Code, § 8-212)

**8-213. Compliance with zoning ordinance.** The beer board shall not issue any permit authorizing the sale of beer unless the proposed use is permitted at the location of premises at which the business will be conducted under the town's zoning ordinance. The beer board shall require approved employee training and certification by the State of Tennessee Alcohol and Beverage Commission for businesses that apply for on-premises consumption for each employee who will serve alcohol, and each such employee may have a background check to establish that he or she has not been in violation of alcohol beverage law for the past ten years. The beer board may require that businesses who conduct the sale of alcohol have written policies and procedures to deter underage and high-risk alcohol consumption. The Town of Chapel Hill Police Department has the right to request copies of documentation of these rules, procedures and certification, and failure to comply or produce documentation may result in the revocation or suspension of an alcoholic beverage permit. Schools, churches and day care facilities established prior to November 2010 shall remain protected under the two hundred fifty feet (250') rule during established and recurring operating hours or recurring gathering times. (Ord. #15-05, Dec. 2015)

**8-214. Requirements of retail stores; on premises permit holders.**

(1) Retail stores. The beer board shall not issue a permit to sell beer except at retail packages by a duly permitted business where the total inventory of beer shall not at any time exceed twenty-five percent (25%) of the total value of all inventory for said business. Consumption of beer shall not be permitted on the premises unless the business obtains a dual permit in addition to the retail permit.

(2) On premises consumption. The beer board shall not issue a permit to sell beer for on premises consumption except to duly permitted restaurants that maintain adequate kitchen facilities, serve at least one (1) meal per day, five (5) days per week, and where at least fifty-one percent (51%) of all revenue of the business is derived from the sale of food each day. Copies of receipts for all revenue of the business for each month must be delivered or mailed to town hall not later than the tenth day of the following month. All such businesses must have freestanding tables for the service of food and may not have pool tables on the premises. All sales of beer shall be made along with the sale of food prepared at the restaurant. All beer consumed on the premises must be served by employees of the business to the tables where the customers are served food (beer may not be "self service" from coolers or refrigerators directly by customers for consumption on the premises). An on premises permit shall not be issued to any establishment selling gasoline. No alcoholic beverages shall be consumed

or open for consumption on or about any premises licensed hereunder after 12:15 A.M.

(3) Dual permits. A business may obtain permits for both the retail sale of beer and for on premises consumption so long as it meets all of the requirements of both (1) and (2) above, pays a two hundred fifty dollar (\$250.00) fee for each permit and has two (2) separate doors to the business, one (1) dedicated for the retail store and the other dedicated for the restaurant.

(4) The consumption of beer shall not be allowed on the premises of a permit holder outside of the building structure. (2005 Code, § 8-214)

**8-215. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permits shall be issued to any person who has been convicted for possession, sale, manufacture or transportation of alcohol or any crime involving moral turpitude within the past ten (10) years.

No person, firm, corporation, joint-stock company, syndicate or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (2005 Code, § 8-215)

**8-216. Prohibited conduct or activities by permit holders.** It shall be unlawful for any beer permit holder to:

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

(2) Employing any person under the age of eighteen (18) years in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off premises consumption only.)

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M. on weekdays and between 3:00 A.M. and 10:00 A.M. on Sundays.

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

(5) Make or allow any sale of beer to any person under the age of twenty-one (21) years of age. The holder of the beer permit shall be strictly accountable for the violation of this provision and the burden of ascertaining age of such persons shall be upon the holder and operator, or their servants, of such place of business.

(6) Allow any person under eighteen (18) years of age to loiter in or about the place of business.

(7) Make or allow any sale or gift of beer to any intoxicated person.

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

(9) Serve, sell, give or allow the consumption on the premises of any alcoholic beverage with an alcoholic content higher than beer.

(10) Permit the consumption of beer on any parking lot which services and/or is adjacent to the premises which the permit holder has any interest in or control over. (2005 Code, § 8-216, as amended by Ord. #2019-06, \_\_ \_\_\_\_, modified)

**8-217. Permit must be in the name of the person who owns business.** The permit issued by the beer board shall be in the name of the person owning the business rather than the manager, operator or employee of the owner. (2005 Code, § 8-217)

**8-218. Permit to be posted.** Permits issued by the beer board shall be visible and displayed to the general public. (2005 Code, § 8-218)

**8-219. Premises selling beer subject to inspection.** All premises selling beer are subject to inspection by board members and town police during any hours the premises are open. (2005 Code, § 8-219)

**8-220. Revocation of beer permits.** The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter or any of the laws of the State of Tennessee in regard to selling and storing for sale beer. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest, board members and the general public. Revocation proceedings may be initiated by the police chief or by any member of the city council or board. (2005 Code, § 8-220)

**8-221. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed 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 not to exceed one thousand dollars (\$1,000.00) for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (2005 Code, § 8-221)

**8-222. Beer permits issued by Marshall County.** Any person holding a beer permit issued by Marshall County for a premises subsequently included in an area annexed by the town, shall continue to be permitted to sell beer subject to the terms and provisions of this chapter, except such person shall not be required to pay the permit fee required in § 8-208 and shall pay the privilege

tax required in § 8-209 prorated from the months from the date of annexation to the next due date. (2005 Code, § 8-222)

**8-223. Special events permit; restrictions.** The beer board is authorized to issue special events beer permits for the sale of beer for on-premises consumption at events hosted by charitable or nonprofit organizations within the town. A special event permit may only be issued to a beer permit holder that has been issued by the town. The special events permit shall not be issued for longer than one (1) seventy-two (72) hour period, and shall be subject to the same hours of sale imposed by law. The application for a special events permit shall include the written consent of the hosting organization. The permit holder shall comply with all state and local laws regarding server training and may only purchase beer for resale from a licensee as required by state law. A "charitable or non-profit organization" means any corporation recognized as exempt under section 501(c)(3) of the Internal Revenue Code, being 26 U.S.C. § 501(c)(3). In approving a special event permit, the beer board may impose any conditions reasonably necessary to protect the public welfare. (Ord. #17-3, June 2017, modified)

**8-224. Violations and penalty.** Except as provided in § 8-221, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty clause of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (2005 Code, § 8-223)



## CHAPTER 3

### ON-PREMISES CONSUMPTION OF LIQUOR AND WINE

#### SECTION

- 8-301. On-premises consumption of liquor and wine.
- 8-302. Privilege tax.
- 8-303. Hours of sale.

**8-301. On-premises consumption of liquor and wine.** Pursuant to the approval by referendum, any prohibition within this code on the sale of liquor and wine for on-premises consumption, within the Town of Chapel Hill is repealed, and *Tennessee Code Annotated*, title 57, chapter 4, as may be amended from time to time, shall be applicable to all such sales within the Town of Chapel Hill, Tennessee. (Ord. #16-6, Dec. 2016)

**8-302. Privilege tax.** Pursuant to the authority contained in *Tennessee Code Annotated*, § 57-4-301, there is hereby levied an annual privilege tax (in the same amounts set forth therein) upon any person, firm, corporation, or other entity engaging in the business of selling liquor or wine for on-premises consumption within the town. Any person, firm, corporation, or other entity exercising the privilege of selling liquor or wine for on-premises consumption shall remit annually to the town recorder the appropriate privilege tax. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, or other entity failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #16-6, Dec. 2016)

**8-303. Hours of sale.** Any person, firm, corporation or other entity that is permitted by the state to sell liquor or wine for on-premises consumption shall also be allowed to sell beer during the hours set forth in *Tennessee Code Annotated*, § 57-4-203, provided the establishment has lawfully obtained a beer permit as required by this title. (Ord. #16-6, Dec. 2016)

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER**

1. TRANSIENT DEALERS AND SOLICITORS.
2. MISCELLANEOUS.
3. GARAGE SALE REGULATIONS.
3. MOBILE FOOD VENDORS.

**CHAPTER 1****TRANSIENT DEALERS AND SOLICITORS****SECTION**

- 9-101. Definitions.
- 9-102. Permit required.
- 9-103. Exemptions.
- 9-104. Application for permit.
- 9-105. Issuance or refusal of permit.
- 9-106. Appeal.
- 9-107. Bond.
- 9-108. Loud noises and speaking devices.
- 9-109. Use of streets.
- 9-110. Exhibition of permit.
- 9-111. Police officers to enforce.
- 9-112. Revocation or suspension of permit.
- 9-113. Reapplication.
- 9-114. Expiration and renewal of permit.
- 9-115. Fee waived for certain businesses.
- 9-116. Violations and penalty.

**9-101. Definitions.** The following definitions are applicable to this chapter:

- (1) "Merchandise," means any consumer item or goods that is or is represented to be new or not previously owned by a customer.
- (2) "Person" means an individual, partnership or corporation.

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<sup>1</sup>Municipal code references

Building and plumbing codes: title 12.

Liquor and beer regulations: title 8.

Zoning: title 14.

(3) "Solicitor" means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above.

(4) "Temporary premises" means any public or quasi-public place, including but not limited to a hotel, motel, storeroom, outbuilding, tent, vacant lot, warehouse, railroad car or motor vehicle, temporarily occupied and/or in any manner for the purpose of exhibiting and/or selling merchandise to the public. Premises are not considered temporary if the same person has conducted business at the premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(5) "Transient dealer" means any person who brings into a temporary premises and exhibits to the public merchandise for the purpose of selling or offering to sell such merchandise to the public. (2005 Code, § 9-101, as amended by Ord. #13-17, Aug. 2013)

**9-102. Permit required.** It shall be unlawful for any transient dealer or solicitor to ply his trade within the town's corporate limits without first obtaining a permit therefor 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. (2005 Code, § 9-102, as amended by Ord. #13-17, Aug. 2013)

**9-103. Exemptions.** This chapter shall not be applicable to:

- (1) Persons selling at wholesale to retail merchants;
- (2) Wholesale trade shows wherein there are no sales made to retail customers, and all purchases, if any, are made by licensed retail merchants;
- (3) A person operating a permanent business but occupying a temporary premises and thereon prominently displays the business name and address; or
- (4) Yard sales. (2005 Code, § 9-103)

**9-104. Application for permit.** Applications for a permit must be made at least fourteen (14) days prior to exhibiting or offering for sale any merchandise. Applicants for a permit must file with the town administrator a sworn written application containing the following:

- (1) Name;
- (2) Permanent address;
- (3) Local address of applicant;

- (4) Address of temporary premises;
- (5) Brief description of nature of business and merchandise to be sold;
- (6) Dates and times during which business will be conducted;
- (7) Description, state of registration and license number of motor vehicle used to make sales or solicitations;
- (8) Name and address of employer, if any;
- (9) Criminal record, if any;
- (10) 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;
- (11) Names and address of those who will conduct business of applicant;
- (12) Name and address of true owner of merchandise if applicant is not true owner;
- (13) Statement of gross sales from businesses conducted in the Town of Chapel Hill for three (3) years immediately preceding the application and estimate of gross receipts to be received from business conducted in the Town of Chapel Hill for the first year subsequent to the application;
- (14) If a corporation, a copy of certificate of existence issued by the Secretary of State of Tennessee and the name and address of agent for service of process;
- (15) A recent photograph of applicant; and
- (16) At the time of filing of the application, a non-refundable fee in an amount provided by resolution of the board of mayor and aldermen shall be paid to the town to cover the cost of investigating the facts stated therein. (2005 Code, § 9-104, modified)

**9-105. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police for investigation. The chief shall report the findings to the town administrator within seventy-two (72) hours.

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

(3) If the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the town administrator shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-107 of this chapter. The town administrator shall keep a permanent record of all applications and permits issued. (2005 Code, § 9-105)

**9-106. Appeal.** Any person aggrieved by the action of the town administrator in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the

town administrator within seven (7) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The town administrator shall set a time and place for a hearing of such appeal and written notice of the time and place of hearing shall be mailed, postage prepaid, to the applicant at the local address in the application 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. (2005 Code, § 9-106)

**9-107. Bond.** Before the issuance of a permit, the applicant shall file with the town recorder a surety bond approved by the town administrator running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be issued on the condition that the permittee shall comply fully with all the provisions of the ordinances of the town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any purchaser and the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any purchaser and the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (2005 Code, § 9-107)

**9-108. 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 or quasi-public places of the town or upon private premises where sound of 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. (2005 Code, § 9-108)

**9-109. Use of streets.** No permittee shall have any exclusive neither right to any location in the public streets, nor be permitted a stationary location thereon, nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (2005 Code, § 9-109)

**9-110. Exhibition of permit.** Permittees are required to exhibit their permits at the temporary premises so as to be visible to the public. (2005 Code, § 9-110)

**9-111. Police officers to enforce.** It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (2005 Code, § 9-111)

**9-112. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or incorrect statement of the material fact contained in the application for permit or made in the course of carrying on the business of a transient dealer;
- (b) Any violation of this chapter;
- (c) Conviction of any crime or misdemeanor;
- (d) Conducting the business of a transient dealer in any unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; and
- (e) Material misrepresentation of quality of merchandise.

(2) Notice of the hearing for revocation of a permit shall be given by the town 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 the local address in the application 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 necessary, in the public interest, the town administrator may suspend a permit pending the revocation hearing. (2005 Code, § 9-112)

**9-113. 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. (2005 Code, § 9-113)

**9-114. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire ten (10) days from the date issued. 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. Renewal application shall be accompanied by a non-refundable fee in an amount provided by resolution of the board of mayor and aldermen. (2005 Code, § 9-114)

**9-115. Fee waived for certain businesses.** Business conducted exclusively for religious, charitable, scientific or educational purposes and the sale of agricultural and handicraft products shall not be required to pay the ten dollar (\$10.00) non-refundable fee as required in § 9-104(16) or file the bond as required in § 9-107. (2005 Code, § 9-115)

**9-116. Violations and penalty.** Any violation of this chapter shall subject the offender to a penalty under the general penalty provision of this code. (2005 Code, § 9-116)

## CHAPTER 2

### MISCELLANEOUS

#### SECTION

9-201. Roadblocks, advertising or promotional activities on streets.

**9-201. Roadblocks, advertising or promotional activities on streets.** (1) Definitions. (a) "Solicitation roadblock" or "roadblock" shall mean the solicitation by any person of money on or in the right-of-way of any street, road, highway, or any other public way and place generally open to, and used by, the public for travel in or upon motor vehicles.

(b) "Street," "road," "highway," and "public way and place" shall include the paved or unpaved surface of any such street, road, highway or public place, the entire width of the public right-of-way extending laterally therefrom, dividers, medians, and abutting or adjoining sidewalks or other pedestrian pathways generally open to the public for pedestrian traffic.

(2) No individual or organization may conduct a roadblock without a permit issued by the town. Permits for roadblocks are restricted to recognized 501(c)(3) organizations that meet and are based within the municipal limits of, or providing public services in the town. Governmental entities or agencies located within the town, including public school sponsored groups within the local school district, may also apply for roadblock permits. Applicants for roadblock permits shall file their request with the police chief on a form established by the town not less than ten (10) days before the proposed roadblock. Permits shall be issued by the town administrator.

(3) The following restrictions shall apply to all permitted roadblocks:

(a) Persons participating in the roadblock shall be at least fourteen (14) years of age and must be supervised by an adult at all times. The permitted organization shall be responsible for obtaining the parental consent of any minor participating in a roadblock;

(b) Roadblocks shall only be allowed at the specific location(s) approved by the police chief and may only be held on Saturdays between the hours of 7:00 A.M. and 12:00 P.M.

(c) The permitted organization shall be solely responsible for taking all safety precautions reasonable to protect the participants and the public. The town will not provide any special assistance or provide security for roadblocks; however, the police chief may terminate a roadblock immediately at any time if in his or her opinion such roadblock is unsafe for the either the participants or the public. Decisions concerning the safety of roadblocks are at the sole discretion of the police chief and are final.



(4) Any person violating this section shall be subject to punishment under the general penalty provision of the Chapel Hill municipal code of ordinances. (Ord. #14-08, Feb. 2015)

## CHAPTER 3

### GARAGE SALE REGULATIONS

#### SECTION

- 9-301. Purpose.
- 9-302. Definitions.
- 9-303. Exemptions from chapter.
- 9-304. Right of entry--authority of inspector.
- 9-305. Property permitted to be sold.
- 9-306. Duration of sale.
- 9-307. Display of property.
- 9-308. Signs.
- 9-309. Responsibility for maintaining order.
- 9-310. Parking.
- 9-311. Yard and garage sales--registration required.
- 9-312. Means of advertisement of yard sales--obstructing traffic.
- 9-313. Violations and penalty.

**9-301. Purpose.** The council finds and declares that unregulated garage sales and yard sales are causing annoyance to the citizens in residential areas in the town and congestion of the streets in residential areas in the town. The purpose of this chapter is to regulate the term and frequency of garage sales and yard sales, for the safety and welfare of the town's citizens. (2005 Code, § 9-401)

**9-302. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "shall" is always mandatory and not merely directory.

(1) "Community yard sale" means the inclusion of five (5) or more surrounding neighbors in combination for the sole purpose of the sale of goods, wares, merchandise, personal property of such kind as household articles, utensils, jewelry, clothing, furniture, or other articles of this kind and may be also known as a garage sale.

(2) "Garage sale" means and includes all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone as defined by the zoning ordinance, for the purpose of disposing of personal property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage" sale. This definition does not include the legal operation of licensed businesses carried on in a nonresidential zone where the person conducting the sales does so, on a regular day-to-day basis. This definition shall not include a situation where no more than three (3) specific items or articles are held out for sale and where all advertisement of such sale specifically names those items to be sold.

(3) "Personal property" means property which is owned, utilized and maintained by an individual or members of its residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(4) "Yard sales." A yard sale is defined as a sale of goods, wares, merchandise, personal property of such kind as household articles, utensils, jewelry, clothing, furniture, or other articles of this kind and may be also known as a garage sale. Such a sale is usually held by a private citizen or citizens on property owned by the citizen and/or property occupied as rental property, and may be held on a space rented for the sale. (2005 Code, § 9-402)

**9-303. Exemptions from chapter.** The provisions of this chapter shall not apply to or affect the following:

- (1) Persons selling goods pursuant to court order.
- (2) Persons acting within their powers and duties as public officials.
- (3) Any sale conducted by any merchant or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the town or under the protection of the nonconforming use provisions thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises and which is not otherwise prohibited by other ordinances.

(4) Any bona fide charitable, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization and the goods or articles are not sold on a consignment basis. (2005 Code, § 9-403)

**9-304. Right of entry--authority of inspector.** A police officer or any other public official shall have the right of entry to any premises showing evidence of a garage sale or yard sale for the purpose of enforcement or inspection. (2005 Code, § 9-405)

**9-305. Property permitted to be sold.** It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (2005 Code, § 9-406)

**9-306. Duration of sale.** Garage sales and yard sales shall be registered with the building official as provided for in § 9-312 of this chapter at no cost and shall be limited as follows:

- (1) A period during a week not greater than four (4) consecutive days.
- (2) Each property address shall be limited to four (4) yard sales annually with persons holding more than four (4) yard sales per year being subject to application for a license for the commissioner of finance and revenue under the Business Tax Act, shall be subject to sales tax, and may be required

to keep an inventory of items on hand for the sale for inspection by the commissioner of finance and revenue.

(3) The hours of operation for any such sales shall be within the hours of 7:00 A.M. to 7:00 P.M on Thursdays, Fridays, Saturdays and Sundays only. (2005 Code, § 9-407)

**9-307. Display of property.** No personal property offered for sale at a garage sale or yard sale shall be displayed in any public right-of-way. (2005 Code, § 9-408)

**9-308. Signs.** (1) Only the following specified signs may be displayed in relation to a pending garage sale or yard sale; provided however, that such signs shall be subject to any other applicable ordinance of the town relating to the placement of signs:

(a) Two (2) signs of not more than twelve (12) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale or yard sale is being conducted.

(b) Directional signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale or yard sale is conducted is not on a major thoroughfare and that written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

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

(3) Signs must be removed at the conclusion of the garage sale or yard sale activities. (2005 Code, § 9-409)

**9-309. Responsibility for maintaining order.** The individual to whom a permit is issued under this chapter and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on the premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the police or fire department of the town in order to maintain the public health, safety and welfare. (2005 Code, § 9-410)

**9-310. Parking.** All parking of vehicles at sales regulated under this chapter shall be conducted in compliance with all applicable laws and ordinances. The police department may enforce such temporary controls as necessary to alleviate any special hazards and congestion created by any garage sale or yard sale. (2005 Code, § 9-411)

**9-311. Yard and garage sales--registration required.** All persons who hold or engage in a garage sale or yard sale within the town limits shall be residents of the town at the time of the sale and shall register such sales at town hall at least three (3) days prior to the sale. (2005 Code, § 9-412)

**9-312. Means of advertisement of yard sales--obstructing traffic.** It shall be unlawful for any person or persons holding or engaged in a garage sale or yard sale to cause congestion of traffic in the areas where the sale is being held. It shall be unlawful for any person or persons holding or intending to hold a garage sale or yard sale to post advertisement of the sale on telephone poles, utility poles, or in any manner anywhere except for temporary signs within the yard or space where the sale is being held or is to be held as set forth in other sections of this chapter. Advertising also may be given to the local news media for publication or other means of informing the public. (2005 Code, § 9-413)

**9-313. Violations and penalty.** (1) Every article sold and/or every day a sale is conducted in violation of this chapter shall constitute a separate offense.

(2) Any person found guilty of violating the terms of this chapter shall be subject to punishment by a civil penalty of not less than fifty dollars (\$50.00) per day. (2005 Code, § 9-404)

## CHAPTER 4

### MOBILE FOOD VENDORS

#### SECTION

- 9-401. Definitions.
- 9-402. Permit required.
- 9-403. Permit application.
- 9-404. Requirements.
- 9-405. Sales on streets and public property.
- 9-406. Mobile food vendors on private property.
- 9-407. Permit renewal.
- 9-408. Inspections.
- 9-409. Violations and penalty.

**9-401. Definitions.** (1) "Mobile food vendor" is defined as any person selling food and/or drink from a mobile vehicle, including a food truck, food trailer and ice cream truck.

(2) "Food truck" is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking and selling various types of food and/or drink products other than exclusively ice cream and related frozen products.

(3) "Ice cream truck" is defined as a motor vehicle containing a commercial freezer from which a vendor sells only frozen, pre-packaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar frozen items. (Ord. #2021-005, Oct. 2022)

**9-402. Permit required.** It is unlawful for any person, firm, corporation, or association to engage in or carry on the business of a mobile food vendor or operate a food truck within the Town of Chapel Hill without first having secured a permit or permits as required by this chapter. (Ord. #2021-005, Oct. 2022)

**9-403. Permit application.** Applicants for a permit under this section shall file with the town recorder a sworn application in writing on a form to be furnished by the town recorder. Submission of false or misleading information will result in revocation of the permit and a ban on receiving future permits. The application shall provide the following:

- (1) The name and contact information of the applicant.
- (2) The applicant's permanent street address, mailing address and email address.
- (3) The applicant's telephone numbers including a cell phone number if available.
- (4) A brief description of the nature of the business and of the goods to be sold.

(5) A copy of the vehicle registration for any mobile food vendor vehicle and proof of automobile insurance for the mobile food vendor vehicle.

(6) A copy of the business license, proof of State of Tennessee sales tax registration, and any health department license or certification required by Marshall County Department of Health or the State of Tennessee.

(7) State of Tennessee and Town of Chapel Hill transient vendor licenses will be required for businesses based outside of the State of Tennessee and/or for owners of businesses residing outside the State of Tennessee.

(8) Color photograph(s) of the mobile food vendor vehicle's interior and exterior.

(9) Permission to obtain a background check of owner(s) of mobile food vendor vehicles.

(10) Payment of an application fee of one hundred fifty dollars (\$150.00) which will be prorated by month for the first year of the permit at a rate of twelve dollars fifty cents (\$12.50) per month of operation. No refunds will be issued. Any day in the month where the permit is in place will require payment for that entire month.

(11) Such other relevant information as may be reasonably requested by the town after review of submission of the material in order to assure full review of the information needed to assess the impact of the proposed operation on the health, safety and well-being of the public. (Ord. #2021-005, Oct. 2022)

**9-404. Requirements.** (1) Licenses and permits. It shall be unlawful for any person to engage in business as a mobile food vendor in the Town of Chapel Hill without first obtaining a business license and a mobile food vendor's license with a decal evidencing such license. Any permits, licenses, and certifications required by the Marshall County Department of Health and/or State of Tennessee for operation of the business are also required. Upon being granted a mobile food vendor license, a mobile food vendor must comply with the rules and regulations herein.

(2) Insurance. At the time of the application for a mobile food vendor license, the mobile food vendor must provide proof of valid automobile liability insurance in an amount required by law for operation of the applicable mobile food vendor vehicle(s). Failure to maintain this insurance when acting as a mobile food vendor will result in immediate revocation of the mobile food vendor license.

(3) Litter receptacles. Each licensed mobile food vendor must maintain for customer use a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's mobile food vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. Each mobile food vendor shall pick up litter which is associated with the vendor's sale in the vicinity of the vendor's mobile food vehicle prior to departing a sales location. A pattern of leaving excessive litter caused by product

packaging shall be basis for suspension or revocation of the mobile food vendor license.

(4) What can be sold. Mobile food vendors shall be limited to selling edibles and hot and cold beverages containing no alcohol. The sale of non-food or drink items from the mobile food vendor vehicle shall be limited to hats, t-shirts and sweatshirts displaying the mobile food vendor logo and/or branding.

(5) No seating and tables. There shall be no benches, tables, chairs or other furniture which may be used for eating or sitting provided by or associated with a mobile food vendor vehicle.

(6) Fire extinguishers and fire suppression systems. All food trucks and food trailers must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, food trucks and food trailers that produce grease laden vapors (i.e. units with deep fat fryers or flat-top griddles) must have a fire suppression system certified bi-annually by a licensed company.

(7) Placement. Mobile food vendor vehicles shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.

(8) Pedestrian only. Mobile food vendor vehicles shall serve pedestrians only; drive-through or drive-in services are hereby prohibited.

(9) Health regulations. All mobile food vendors and their mobile food vendor vehicles must be in compliance with all applicable health regulations for Marshall County and the State of Tennessee relating to food safety and preparation.

(10) Noises. Other than ice cream trucks being able to play a song associated with its business at a reasonable level of sound, no mobile food vendors shall sound any device which produces an offensive or loud noise to attract customers, and mobile food vendors shall not use a public address system on the vehicle to broadcast and advertise products.

(11) All exterior bodywork and mechanical equipment of a mobile food vendor vehicle shall be maintained in good condition, free of excessive wear, tear or damage. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions. All windshield and window glass of mobile food vendor vehicles shall be maintained free of cracks, scratches, pitting, abrasions and other conditions that may cause a hazard or reduce clarity of vision.

(12) No parking in fire lanes. No mobile food vendors shall park in fire lanes.

(13) Signs. Signs which are permanently affixed to the mobile food vendor vehicle shall extend no more than six inches (6") from the vehicle. Except as stated herein, all signs shall be attached or painted on the mobile food vendor vehicle. Electronic signs are prohibited as are signs that flash, reflect motion pictures, emit smoke or vapor, or produce any rotation, motion or movement. Each food truck or food trailer is permitted one sandwich board type sign located



within ten feet (10') of the applicable food truck or food trailer for advertisement purposes while the food truck or food trailer is open for business. Such sandwich board sign shall be no more than forty-eight inches (48") high and contain no more than seven (7) square feet.

(14) Electricity. Any mobile food vendor vehicle shall not be attached to or use any temporary electrical pole and shall be ineligible for any permanent electrical service. (Ord. #2021-005, Oct. 2022)

**9-405. Sales on streets and public property.** (1) Ice cream trucks. The hours of operation for ice cream trucks are between 9:00 A.M. and sunset as stated for that day for the Town of Chapel Hill area by the National Weather Service. Ice cream trucks may vend on public streets so long as they remain mobile and only make stops of ten (10) minutes or less at one (1) location.

(2) Food trucks and food trailers. Except as set forth herein, food trucks and food trailers are prohibited from selling food on any public street, sidewalk, alley, trail or right-of-way or any town owned or controlled property, including, but not limited to, parks, unless approved by the town as part as a town permitted special event. The above prohibition will not apply to the parking lot and related areas at public schools within the town if permission is obtained by the mayor for placement of food trucks or food trailers on such property. All mobile food vendors must comply with all rules, regulations and requirements related to any town permitted special event, including, but not limited to, provision as to where mobile food vendors will be located, how long the mobile food vendors can be present at the location, and how many and which food trucks can participate in the town permitted special event.

**9-406. Mobile food vendors on private property.** All mobile food vendors shall be subject to the following regulations on private property:

(1) Existing restaurants. Other than an ice cream truck, no mobile food vendor shall operate within fifty feet (50') of a door intended for regular public use of a lawfully established eating establishment that is open for business (other than another mobile food vendor vehicle) unless the mobile food vendor provides documentation which is signed by the restaurant owner or operator that the restaurant owner or operator has no objection to a closer proximity.

(2) Location. A mobile food vendor under this section must have written permission from a private property owner for setting up for each location. The mobile food vendor must provide a copy of such written permission upon demand to town officials. No mobile food vendor on private property shall do business or operate within fifty feet (50') of any property line of any lot used for residential purposes.

(3) Hours of operation. No mobile food vendor shall operate outside the hours of 8:00 A.M. to 10:00 P.M. At the end of each business day's operation, the mobile food vendor shall remove from the property the mobile food vendor vehicle and all materials associated with the business, unless participating in

a town permitted special event that allows the overnight parking of mobile food vendor vehicles during the special event. (Ord. #2021-005, Oct. 2022)

**9-407. Permit renewal.** A permit issued under this section shall be valid for the remainder of the calendar year from the date of issuance and shall be renewed on an annual basis on or by January 1 of each year upon proper application and payment of the permit fee of an additional one hundred twenty dollars (\$120.00) per year. A permit shall be valid for only one (1) mobile food vendor vehicle. Each operator and/or applicant shall file additional application and pay an additional permit fee for each additional mobile food vendor vehicle. No refunds will be issued for renewed permits and no renewed permits for partial years will be issued. (Ord. #2021-005, Oct. 2022)

**9-408. Inspections.** (1) Department of health primary. Nothing in this section shall be construed as limiting or replacing the role of the Tennessee Department of Health which has the primary task of inspecting mobile food vendor vehicles.

(2) Entry. The town police and other officials shall have the right at any time after displaying proper identification to enter into or upon any mobile food vendor vehicle for the purpose of ascertaining whether or not any provisions of this section are being violated and for general inspection purposes.

(3) Shut down. Any mobile food vendor vehicle which is found after any town inspection to be unsafe or not compliant with this section may be directed to be out of operation until the deficiency is corrected. (Ord. #2021-005, Oct. 2022)

**9-409. Violations and penalty.** Violations of this chapter are subject to the general penalty clause for the Town of Chapel Hill. The town may also suspend or revoke a permit issued hereunder for violation of this chapter. In the event of such suspension or revocation, the permit holder may appeal such decision to the board of mayor and aldermen within thirty (30) days of such action. (Ord. #2021-005, Oct. 2022)

**TITLE 10****ANIMAL CONTROL**<sup>1</sup>**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Violations and penalty.

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (2005 Code, § 10-101)

**10-102. Keeping near a residence or business restricted.** Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand feet (1,000') of any residence, place of business, or public street, as measured in a straight line. (2005 Code, § 10-102)

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or

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<sup>1</sup>Wherever this title mentions dogs it pertains to dog and cats.

enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (2005 Code, § 10-103)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (2005 Code, § 10-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (2005 Code, § 10-105)

**10-106. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known, he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (2005 Code, § 10-106)

**10-107. Violations and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense. (2005 Code, § 10-107)

## 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 to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. 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. (2005 Code, § 10-201, modified)

**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. (2005 Code, § 10-202)

**10-203. Running at large prohibited.**<sup>1</sup> 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. (2005 Code, § 10-203)

**10-204. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. A violation of this section shall subject the offender to a penalty not to exceed the state authorized maximum. (2005 Code, § 10-204)

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<sup>1</sup>State law reference

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

**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. (2005 Code, § 10-205)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the 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. (2005 Code, § 10-206)

**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 board of mayor and aldermen. If the dog is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, 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. (2005 Code, § 10-207)

**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 police officer or other properly designated officer. (2005 Code, § 10-208)

**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. (2005 Code, § 10-209)

## TITLE 11

### MUNICIPAL OFFENSES<sup>1</sup>

#### CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.

#### CHAPTER 1

#### ALCOHOL<sup>2</sup>

#### SECTION

- 11-101. Minors in beer places.  
 11-102. Violations and penalty.

**11-101. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold. (2005 Code, § 11-101)

**11-102. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty not to exceed the state authorized maximum. (2005 Code, § 11-102)

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<sup>1</sup>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.

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See *Tennessee Code Annotated*, § 33-10-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

**CHAPTER 2****FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. A violation of this section shall subject the offender to a penalty not to exceed the state authorized maximum. Each day constitutes a separate offense. (2005 Code, § 11-201)



**CHAPTER 3****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Violations and penalty.

**11-301. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (2005 Code, § 11-301)

**11-302. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

(a) 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.

(b) 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.

(c) 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.

(d) 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 town authorities.

(e) 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.

(f) 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 6:00 A.M. and 7:00 P.M. Monday through Saturday and between 1:00 P.M. and 6:00 P.M. on Sundays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues, not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 7:00 P.M. and 6:00 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 7:00 P.M. and 6:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(g) 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.

(h) 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.

(i) 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.

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

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

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

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or

the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (2005 Code, § 11-302, modified)

**11-303. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty not to exceed the state authorized maximum. Each occurrence shall constitute a separate offense. (2005 Code, § 11-303)

**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 to maliciously 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. A violation of this section shall subject the offender to a penalty not to exceed the state authorized maximum. (2005 Code, § 11-401)

**11-402. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. A violation of this section shall subject the offender to a penalty not to exceed the state authorized maximum. (2005 Code, § 11-402)

## CHAPTER 5

### TRESPASSING AND INTERFERENCE WITH TRAFFIC

#### SECTION

11-501. Trespassing.

11-502. Interference with traffic.

11-503. Violations and penalty.

**11-501. Trespassing.** (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>1</sup> (2005 Code, § 11-501)

**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

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<sup>1</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

with the free passage of pedestrian or vehicular traffic thereon without a town issued permit. (2005 Code, § 11-502)

**11-503. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty not to exceed the state authorized maximum. (2005 Code, § 11-503)

**CHAPTER 6****MISCELLANEOUS****SECTION**

11-601. Caves, wells, cisterns, etc.

**11-601. 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. A violation of this section shall subject the offender to a penalty not to exceed the state authorized maximum. (2005 Code, § 11-602)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

#### 1. CODES ADOPTED BY REFERENCE.

#### CHAPTER 1

#### CODES ADOPTED BY REFERENCE<sup>1</sup>

#### SECTION

- 12-101. Codes adopted by reference.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Permit fees.
- 12-105. Inspection.
- 12-106. Permit required.
- 12-107. Violations and penalty.

**12-101. Codes adopted.** (1) The following codes, published by the International Code Council,<sup>2</sup> and the National Fire Protection Association<sup>3</sup> are hereby adopted by reference as though they were copied herein fully:

- (a) *International Building Code*, 2018 edition.
  - (b) *International Plumbing Code*, 2018 edition.
  - (c) *International Fuel Gas Code*, 2018 edition..
  - (d) *International Residential Code*, 2018 edition.
  - (e) *International Energy Conservation Code*, 2018 edition.
  - (f) *International Mechanical Code*, 2018 edition.
  - (g) *International Property Maintenance Code*, 2018 edition.
- (Ord. #2020-21, Feb. 2020)

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<sup>1</sup>Municipal code references

Planning and zoning: title 14.

Property maintenance regulations: title 13.

Water and sewer: title 18.

<sup>2</sup>Copies of these codes (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

<sup>3</sup>Copies of this code (and any amendments) are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.



**12-102. Modifications.** (1) Whenever the codes refer to the "chief appointing authority," the "administrative authority," or the "governing authority," it shall be deemed reference to the board. Whenever the codes refer to the "building official," "director of public works," the "town engineer," the "engineering department," the "plumbing official," or the "inspector," it shall mean the person appointed or designated by the town administrator.

(2) The 2018 *International Energy Conservation Code* is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the energy conservation code. Modifications, the provisions of the energy code that apply to buildings constructed under the adopted residential code shall be found in Chapter 4 of the 2009 *International Energy Conservation Code* published by the International Code Council. With this adoption, it is the intent of the Town of Chapel Hill to comply with the minimum energy code required by the State of Tennessee. The Town of Chapel Hill shall adopt administrative regulations to incorporate subsequent amendments to the energy code when the State of Tennessee adopts a more current energy code. These amendments shall be identified by the building and zoning director as to the date and source in order to comply with minimum state requirements for exempt jurisdictions and shall take effect as provided in *Tennessee Code Annotated*, § 5-20-102 unless disapproved by ordinance of the Town of Chapel Hill.

(3) The 2018 *International Residential Code* is hereby adopted with specific conditions for the Town of Chapel Hill, Tennessee.

**Adopt:** Section R313 AUTOMATIC FIRE SPRINKLER SYSTEMS of the 2018 *International Residential Code* with the following conditions:

Section R313.1 regarding automatic sprinklers systems in townhouses add to the exception of the following language "An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exist between units, if such walls do not contain plumbing and/ or mechanical equipment, ducts, or vents in the common wall."

Delete: R313.2 One and two-family dwelling automatic fire systems. (2005 Code, § 12-102, as amended by Ord. #2020-1, Feb. 2020)

**12-103. Available in recorder's office.** One (1) copy of the building and plumbing codes is on file in the recorder's office and available for use and inspection by the public. (2005 Code, § 12-103)

**12-104. Permit fees.** Fees charged for building and/or plumbing permits shall be as provided by resolution of the board of mayor and aldermen. A building permit fee shall be required for sheds. (2005 Code, § 12-104)

**12-105. Inspection.** The building and/or plumbing inspector shall enforce compliance with this chapter. He is authorized and directed to make such inspections as are necessary to ensure compliance with all applicable regulations and codes, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. (2005 Code, § 12-105)

**12-106. Permit required.** (1) A building permit shall be required to construct any building within the corporate limits of the Town of Chapel Hill or to enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for work.

(2) **Exceptions.** Permits shall not be required for the following mechanical work:

- (a) Any portable heating appliance;
- (b) Any portable ventilation equipment;
- (c) Any portable cooling unit;
- (d) Any steam, hot or chilled water piping within any heating or cooling equipment regulated by the *Standard Mechanical Code*;
- (e) Replacement of any part which does not alter its approval or make it unsafe;
- (f) Any portable evaporative cooler;
- (g) Any self-contained refrigeration system containing ten (10) pounds (4.54 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less; and
- (h) Temporary construction trailers. (2005 Code, § 12-106)

**12-107. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the codes as herein adopted by reference and modified.

No utilities owned or controlled by the Town of Chapel Hill shall be furnished to any building which is in violation of this chapter. Each day a violation is allowed to continue shall constitute a separate offense. (2005 Code, § 12-107)

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. JUNK VEHICLES.
3. SLUM CLEARANCE.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Stagnant water.
- 13-102. Weeds and grass.
- 13-103. Junk, trash, debris and overgrown lots.
- 13-104. Health and sanitation nuisances.
- 13-105. Open burning.
- 13-106. Violations and penalty.

**13-101. 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 to effectively prevent the breeding of mosquitoes. (2005 Code, § 13-101)

**13-102. Weeds and grass.** It shall be unlawful for any owner or tenant of property to permit grass or other vegetation commonly recognized as weeds to grow to a height of over one foot (1').

The provisions in this subsection shall not be construed to prohibit the growth of grass or other vegetation in excess of one foot (1') on property where hay is cut, livestock kept or where said property is used for any other agricultural purpose.

It shall be unlawful for any owner or tenant of property to permit grass, weeds, or other vegetation to grow to a height of over one foot (1'). This section shall not apply to vacant lots of greater than one (1) acre in size, provided that all lots shall be maintained in a manner so that no vegetation shall interfere with the line of sight at intersections within the town. (2005 Code, § 13-102, as amended by Ord. #2020-6, June 2020)

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<sup>1</sup>Municipal code reference  
Animal control: title 10.

**13-103. Junk, trash, debris and overgrown lots.** (1) No property shall be used to store junk, trash, construction debris or any other similar materials except in connection with a valid building permit or a within a trash container or temporary dumpster. Without limiting the forgoing or other provisions of this title, the following conditions shall be prohibited:

(a) Accessory or temporary structures of any kind, including sheds, walls, fences, tents, etc. that are damaged or have deteriorated to be unusable for their intended purpose or that are in a dangerous condition.

(b) The accumulation or storage of junk including tires, lumber, household appliances or parts thereof, inoperable vehicles, or parts thereof, furniture, sinks, toilets, cabinets or other household fixtures, equipment or parts thereof, rubbish, garbage, debris, or salvage materials, which constitute a fire hazard or other health hazard and/or are stored or accumulated in such a manner as to be visible from a public street or adjoining property. This subsection shall not prohibit the storage of such items in a rear yard of any lot or on lots greater than five (5) acres in size, provided that the storage does not constitute a health hazard and that these items are not visible from a public street or adjoining property.

(c) The parking of heavy commercial vehicles, construction equipment, boats, unregistered vehicles, or other machinery in a front yard. This subsection shall not apply to lots that are greater than one (1) acre in size and that are not located within a residential subdivision.

(d) Attractive nuisances dangerous to children including abandoned, broken or neglected equipment and machinery, hazardous pools, ponds and excavations.

(2) It shall be unlawful for any owner or tenant of property to permit the growth of trees, vines or underbrush so as allow for the infestation of harmful animals. This subsection shall not apply to lots that are greater than one (1) acre in size and that are not located within a residential subdivision. (Ord. #2020-6, June 2020)

**13-104. Health and sanitation nuisances.** It shall be unlawful for any person to permit any property owned 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. (2005 Code, § 13-104)

**13-105. Open burning.** (1) The open burning of any garbage, trash, rubbish, leaves, grass, construction debris, waste material or any other type of combustible material by any person, firm or corporation, without first having

obtained written permission from the chief of the fire department, is hereby prohibited.

(2) The fire chief, in granting or denying such permission, shall take into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (2005 Code, § 13-105)

**13-106. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty not to exceed state authorized limits. Each day a violation is allowed to continue shall constitute a separate offense. (2005 Code, § 13-106)

## CHAPTER 2

### JUNK VEHICLES

#### SECTION

- 13-201. Definitions.
- 13-202. Violations a civil offense.
- 13-203. Exceptions.
- 13-204. Enforcement.
- 13-205. Violations and penalty.

**13-201. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle;

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows;

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever;

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator;

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method; and

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (2005 Code, § 13-201)

**13-202. Violations a civil offense.** It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep or maintain on private property a junk vehicle, except as otherwise specifically permitted herein. Prior to the issuance of an ordinance summons as provided in § 13-204 for violation of this section, the building inspector or codes enforcement official shall issue the property owner or tenant a notice of violation. If the property owner or tenant does not remove the junk vehicle within five (5) days from the date of the notice of violation, then such owner or tenant shall be assessed a civil penalty of fifty dollars (\$50.00) per day, plus court costs, until the junk vehicle is removed. (2005 Code, § 13-202, as amended by Ord. #2019-02, \_\_\_ \_\_\_\_\_)

**13-203. Exceptions.** (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building or otherwise screened so that no part of the vehicle is visible from the public right-of-way and/or adjoining properties. However, this exception shall not exempt any property owner or tenant from any zoning, building, housing, property maintenance or other regulations governing the building, fencing or property where the vehicle is located.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the town. (2005 Code, § 13-203, as amended by Ord. #2019-02, \_\_\_ \_\_\_\_\_)

**13-204. Enforcement.** Pursuant to *Tennessee Code Annotated*, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may:

- (1) Request the town judge to issue a summons; or
- (2) Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by *Tennessee Code Annotated*, § 7-63-101, *et seq.*, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. (2005 Code, § 13-204)

**13-205. Violations and penalty.** Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (2005 Code, § 13-205)



## CHAPTER 3

### SLUM CLEARANCE

#### SECTION

- 13-301. Purpose.
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**13-301. Purpose.** Pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*, the board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation or use 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 structures unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (2005 Code, § 13-301)

**13-302. Definitions.** (1) "Dwelling" means any building or structure, or part thereof, used or occupied for human occupation or use or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen ("board") charged with governing the town.

(3) "Hearing officer(s)" shall mean the person(s) appointed by the board to conduct the hearing and issue the order herein provided for.

(4) "Municipality" shall mean the Town of Chapel Hill, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(5) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.

(6) "Parties in interest" means all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(7) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(8) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(9) "Public officer" means any officer or officers of the town appointed by the town administrator who is authorized by this chapter to exercise the powers provided herein and by *Tennessee Code Annotated*, § 13-21-101, *et seq.*; provided, however, if the town administrator does not appoint such officer(s) or until such officer(s) is appointed, the town administrator shall be the designated "public officer."

(10) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (2005 Code, § 13-302)

**13-303. Town administrator designated; powers.** There is hereby designated and appointed a "public officer" to be the town administrator of the town, or the person appointed and designated by the town administrator to exercise the powers prescribed herein, which powers shall be supplemental to all others held by the town administrator. (2005 Code, § 13-303)

**13-304. Initiation of proceedings; hearings.** Whenever a petition is filed with the town administrator by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer(s) 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 courts of law or equity shall not be controlling in hearing before the public officer. (2005 Code, § 13-304)

**13-305. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer

determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner, within the time specified in the order, to remove or demolish such structure. (2005 Code, § 13-305)

**13-306. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter or improve or to vacate and close the structure as specified in the order, the public officer may cause such structure to be repaired, altered, or improved or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (2005 Code, § 13-306)

**13-307. When public officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the town administrator may cause such structure to be removed and demolished. (2005 Code, § 13-307)

**13-308. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Marshall County, be a lien on the property in favor of the town, second only to liens of the state, county and town for taxes, any lien of the town for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the town tax collector at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town

may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Marshall County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (2005 Code, § 13-308)

**13-309. Basis for a finding of unfitness.** The public officer 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 structure, the occupants or users of neighboring structures or other residents of the town. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (2005 Code, § 13-309)

**13-310. Service of complaints or orders.** Complaints or orders issued by the public officer shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town or in the absence of such newspaper, in one printed and published in the county and circulated in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Marshall County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (2005 Code, § 13-310)

**13-311. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a complaint in Chancery Court of Marshall County for an injunction restraining the public officer from carrying out the provisions of the order, and the chancery court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, that within

sixty (60) days after the posting and service of the order of the public officer, such person shall file such complaint in 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.<sup>1</sup> (2005 Code, § 13-311)

**13-312. Additional powers of public officer and hearing official(s).**

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 to the structures in the town in order to determine which structures 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. (2005 Code, § 13-312)

**13-313. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of any court or the town with regard to the enforcement of the provisions of its charter or any other ordinances, 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. (2005 Code, § 13-313)

**13-314. Structures unfit for human habitation deemed unlawful.**

It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (2005 Code, § 13-314)

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<sup>1</sup>*Tennessee Code Annotated*, § 13-21-106 provides that the chancery court shall hold a hearing within twenty (20) days, or as soon thereafter as possible, and shall give preference over other matters on the court's calendar.

**13-315. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty not to exceed state authorized maximum limits for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (2005 Code, § 13-315)

**TITLE 14****ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION.
4. SIGNAGE.

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

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

**14-101. Creation and membership.** Pursuant to the provisions of *Tennessee Code Annotated*, § 13-4-101, *et seq.*, there is hereby created the Town of Chapel Hill Planning Commission ("commission"). The commission shall consist of five (5) members; two (2) of these shall be the mayor and an alderman, whose terms shall be concurrent with his or her terms of office, three (3) members shall be appointed by the mayor for terms of three (3) calendar years. All members of the commission shall serve without compensation. Appointed members shall serve at the pleasure of the mayor who has authority to remove an appointed member and fill a vacancy for the unexpired term. (2005 Code, § 14-101)

**14-102. Organization, powers, duties, etc.** The commission shall be organized and shall carry out its powers, functions, and duties in accordance with *Tennessee Code Annotated*, title 13. (2005 Code, § 14-102)

**CHAPTER 2****ZONING ORDINANCE****SECTION**

14-201. Land use to be governed by zoning ordinance.

14-202. Violations and penalty.

**14-201. Land use to be governed by zoning ordinance.** Land use within the Town of Chapel Hill shall be governed by Ordinance #94-4, titled "Zoning Ordinance, Chapel Hill, Tennessee," and any amendments thereto.<sup>1</sup> (2005 Code, § 14-201)

**14-202. Violations and penalty.** Any violation of the zoning ordinance shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (2005 Code, § 14-202)

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<sup>1</sup>Ord. #94-4, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.



## CHAPTER 3

### FLOOD DAMAGE PREVENTION

#### SECTION

- 14-301. Findings of fact, purpose and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Variance and appeal procedures.
- 14-306. General standards for flood hazard reduction.
- 14-307. Specific standards for flood hazard reduction.
- 14-308. Standards for streams without established base flood elevations and/or floodways.
- 14-309. Other standards.
- 14-310. Guidelines and forms.

**14-301. Findings of fact, purpose and objectives.** (1) Findings of fact. (a) The flood hazard areas of the Town of Chapel Hill, Tennessee ("town") subject to periodic inundation which may result in loss of life, personal injury, loss of property, disrupt commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the town's tax base, all of which adversely affect public health, safety and general welfare and eliminate or minimize health, safety and general welfare and eliminate or minimize health and safety hazards.

(b) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities, and by the occupancy of land and buildings in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(2) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in increases in erosion or in flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging, excavating and other development which may increase erosion or flood damage; and

(e) Regulate the construction of fills or flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(3) **Objectives.** The objectives of this chapter are:

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such manner as to minimize flood blight areas; and

(g) To ensure that potential home buyers are notified that property is in a flood area. (2005 Code, § 14-301)

**14-302. Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Appeal" means a request for a review of the building inspector's interpretation of any provision of this chapter or a request for a variance.

(2) "Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. When requested by the building inspector, the developer shall, at his expense, provide the building inspector a certification of explanation by a Tennessee registered land surveyor or licensed professional engineer.

(3) "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

(4) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

(5) "Basement" means that portion of a building between floor and ceiling, which may be wholly or partly below grade level; the lowest habitable story or level.

(6) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to

collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

(7) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

(8) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, dredging, excavating, filling, grading, paving, excavation or drilling operations.

(9) "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is or to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this chapter.

(10) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(11) "Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas having special hazard have been defined as Zone A.

(12) "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(13) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the flood boundary floodway map and the water surface elevation of the base flood.

(14) "Floodway" means the channel of a river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

(15) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab or top of wood flooring. The term does not include the floor of a garage used solely for parking vehicles, but does include the inside bottom surface of any room.

(16) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(17) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within

the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(18) "Mobile home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. A manufactured or modular home is a "mobile home." It does not include recreational vehicles or travel trailers.

(19) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

(20) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

(21) "New mobile home park or mobile home subdivision" means a parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this chapter.

(22) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual "start" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or filling. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied or intended to be occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "actual start" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, the "actual start" means the affixing by tie-downs the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, the "actual start" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities is completed.

(23) "Structure" means a walled and roofed building that is principally above ground, a mobile home, a gas or liquid building that is principally above ground, a storage tank, or other man-made facilities or infrastructures.

(24) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(25) "Variance" is a grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship. (2005 Code, § 14-302)

**14-303. General provisions.** (1) Lands to which this chapter applies. This chapter shall apply to all areas of floods, flooding or special flood hazard within the jurisdiction of the town.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the federal emergency management agency and its flood insurance rate map of the town, dated February 2022, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this chapter.

(3) Establishment of development permit. A development permit shall be required in conformance with the provisions of this chapter prior to any development activities. A development permit may be incorporated in and become part of a building permit.

(4) Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another municipal code section conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;

(b) Liberally construed in favor of the town; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flood or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be, upon conviction thereof, punished in accordance with the general penalty provisions of this code of ordinances. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation. (2005 Code, § 14-303, modified)

**14-304. Administration.** (1) Designation of building inspector as local administrator. The building inspector is hereby appointed to administer and implement the provisions of this chapter.

(2) Permit procedures. Application for a building permit shall be made to the building inspector on forms furnished by the building inspector prior to any development activities; and may include, but not be limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, excavating, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the applicant shall provide the following information:

(a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

(c) Certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in § 14-307;

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(e) Provide a floor elevation or floodproofing certification after the lowest floor is completed. Within twenty-one (21) calendar days of

establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(f) Applicant's, after diligent and reasonable inquiry, certification that proposed structure, excavation and/or fill completed will not increase the volume of surface water run-off on adjacent property. The building inspector may require the applicant submit, at applicant's expense, certification by a registered land surveyor or professional engineer that surface water run-off will not increase volume of surface water run-off on adjacent property when work is completed.

(3) Duties and responsibilities of the building inspector. Duties of the building inspector shall include, but not be limited to:

(a) Review of all development permits to assure that the requirements of this chapter have been satisfied.

(b) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are required that copies of such permits be provided by the permittee and maintained on file with the building permit.

(c) Require the permittee to notify adjacent communities and the local planning office of economic and community development or other state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency and the building inspector.

(d) Require permittee to properly maintain within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Require the permittee to submit written verification and records of the actual elevation (in relation to mean sea level) of the lowest

floor (including basement) of all new or substantially improved structures, in accordance with this section.

(f) Require the permittee to submit written verification and records of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with this section.

(g) The building inspector shall obtain certification from a registered professional engineer or architect at permittee's expense, that floodproofing of a structure is complete and satisfactory meets this chapter and all local and federal codes.

(h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the inspector may require the applicant and/or permittee, at their expense, furnish sufficient information to building inspector to assist, with other available information, the building inspector make the necessary interpretation. The person contesting the location of the boundary shall be given opportunity to appeal the building inspector's interpretation as provided in §§ 14-305--14-307, hereof. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

(i) When base flood elevation data has not been provided in accordance with § 14-303, then the building inspector shall require the permittee to provide for review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of § 14-306 through § 14-309. All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector and shall be open for public inspection. (2005 Code, § 14-304)

**14-305. Variance and appeal procedures.** (1) The town's board of zoning appeals ("board of appeals") is the designated board to hear and decide appeals and requests for variances from the requirements of this chapter.

(2) The board of appeals shall hear and decide when it is alleged there is an error in any requirement, decision, or determination made by the building inspector in the enforcement or administration of this chapter.

(3) Any person aggrieved by the decision of the appeals board or any taxpayer may appeal such decision to the appropriate court as provided in *Tennessee Code Annotated*.

(4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.



(5) In passing upon appeals and variances, the board of appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (a) The danger that materials may be swept onto other property to the injury of others;
- (b) The danger to life and property due to flooding or erosion;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The volume of surface water run-off on adjoining property;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(6) Upon consideration of the factors listed above, and the purposes of this chapter, the board of appeals decides the appeal and/or may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this chapter.

(7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(8) Conditions for variances. (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(b) Variances shall only be issued upon:

- (i) A showing of good and sufficient cause;
- (ii) A determination that failure to grant the variance would result in exceptional hardship; and
- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(d) The board of appeals may request from and the applicant shall furnish to the board of appeals, at the applicant's expense, all information deemed necessary by the board of appeals for the board of appeals to make its decision; and

(e) The building inspector shall maintain the records of the board of appeals and report any variances to the Federal Emergency Management Agency upon request. (2005 Code, § 14-305)

**14-306. General standards for flood hazard reduction.** General standards. In all areas of special flood hazard the following provisions are required:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(6) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

(7) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter. (2005 Code, § 14-306)

**14-307. Specific standards for flood hazard reduction.** In all areas of special flood hazard where base flood elevation data has been provided, as set forth in § 14-303 or § 14-304, the following provisions are required:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

(2) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall

have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in A-zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are water-tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building inspector as set forth in § 14-304.

(3) Mobile homes. (a) No mobile home shall be placed in an area prone to flood, floodway or flood hazard area, except in an existing mobile home park or existing mobile home subdivision. All existing mobile home parks or subdivisions which suffer damage, requiring the repair, reconstruction or improvement of streets, utilities, and pads that equal or exceed fifty percent (50%) of the value of such facilities prior to damage, shall require that all new or replacement mobile homes meet the requirements of (3)(c) below.

(b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(c) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement has commenced; and, for mobile homes not placed in a mobile home park or subdivision require:

(i) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will not be less than two feet (2') above the base flood level;

(ii) Adequate surface drainage and access for a hauler are provided; and

(iii) In the instance of elevation on pilings:

(A) Lots are large enough to permit steps;

(B) Pilings foundations are placed in stable soil no more than ten feet (10') apart; and

(C) Reinforcement is provided for pilings more than six feet (6') above the ground level.

(4) Floodways. Located in areas of special flood hazard established in § 14-303 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, excavation, new construction, substantial improvements and other developments unless

certification (with supporting technical data) by a registered professional engineer is provided to the building inspector demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(b) If subsection (4)(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 14-306--14-309.

(c) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision. (2005 Code, § 14-307)

**14-308. Standards for streams without established base flood elevations and/or floodways.** Located within the areas of special flood hazard established in § 14-303 where small streams exist but where no base flood data has been provided or where no floodway has been provided, the following provisions apply:

(1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of bank or twenty feet (20') each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) New construction or substantial improvements of structures shall be elevated or floodproofed in accordance with elevations established in accordance with § 14-304. (2005 Code, § 14-308)

**14-309. Other standards.** (1) Subdivision proposals shall meet all requirements of the town planning commission and its subdivision regulations, including the following criteria:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards and surface water run-off to adjoining properties; and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

(2) **Standards for areas of shallow flooding (AO Zones).** Located within the areas of special flood hazard established in § 14-303 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1-3') where a clearly defined channel does not

exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet (2') above the highest adjacent grade.

(b) All new construction and substantial improvements of non-residential structures shall:

(i) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent floor, including basement, shall be elevated at least two feet (2') above the highest adjacent grade; or

(ii) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (2005 Code, § 14-309)

**14-310. Guidelines and forms.** (1) The building inspector, with the town administrator's consent, shall develop guidelines for applicants, permittees, surveyors, and/or engineers to assist them in complying with the provisions of this chapter.

(2) The building inspector shall prepare the form for the application for a building permit and the form of the building permit shall be consistent with the provisions of other state and town requirements and this chapter.

(3) This chapter shall not be construed to require a property owner to apply for a permit only to excavate or fill on their property, unless such work meets the definitions of "new construction" or "substantial improvement" under this section. (2005 Code, § 14-310)

## CHAPTER 4

### SIGNAGE

#### SECTION

- 14-401. General provisions.
- 14-402. Commercial signs.
- 14-403. Prohibited signs.
- 14-404. Signs not requiring a permit.
- 14-405. Definitions.

**14-401. General provisions.** The following provisions shall apply to all signs.

(1) Construction standards. All signs shall be constructed and installed in accordance with the applicable provisions of the *Tennessee State Building Code*.

(2) Electrical standards. All illuminated signs shall be installed in accordance with the applicable provisions of the *Tennessee State Electrical Code* and all detached signs shall be so illuminated by an underground electrical source. Internally-lit signs, except that of 3-D letter, shall be discouraged.

(a) Ground signs and monument signs are not to be internally lit. If the owner requires illumination, then those signs shall externally lit.

(b) Exterior flood lights shall not be of excessive luminosity as determined by the building codes enforcement officer, nor shall this outdoor floodlighting project above, over, or around the sign it's intended to illuminate.

(3) Maintenance of signs. All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. Signs that are not maintained to these standards shall be considered abandoned signs.

(a) Blank signs, empty sign frames or signs with no content shall be considered abandoned signs as well.

(b) Signs that do not correspond to the actual business taking place on a lot of land because of neglect, shall also be considered an abandoned sign in addition to off-premises advertising.

(c) Abandoned signs must be removed by the owner upon two (2) weeks of being notified by the codes enforcement officer.

(4) Content. Commercial signage is typically relegated to commercial language, but not always. Non-commercial language is also permissible. A physical address of the property being advertised is permitted, along with a phone number for the business or principal. (Ord. #2019-01, \_\_\_ \_\_\_\_\_)

**14-402. Commercial signs.** The preferred commercial sign by the Town of Chapel Hill is ground and monument signs.

(1) Commercial properties allowances for monument (ground) signs.

<b>Property Frontage</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Maximum Width</b>
Less than 150 feet	25	6	12
150-299 feet	55 or 0.33 per lineal feet of frontage, whichever is less	8	16
300 feet or more (there shall be consideration given for two signs)	65 or 0.33 per lineal feet of frontage, whichever is less	Individual case basis	Individual case basis

(2) Large commercial retail centers = five (5) acres or more, pole signs.

<b>Property Frontage</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Maximum Width</b>
Up to 299 feet	150 or 0.5 per lineal feet of frontage, whichever is less	20	15
300 feet or more	65 or 0.33 per lineal feet of frontage, whichever is less	25	20

(3) Number of signs.

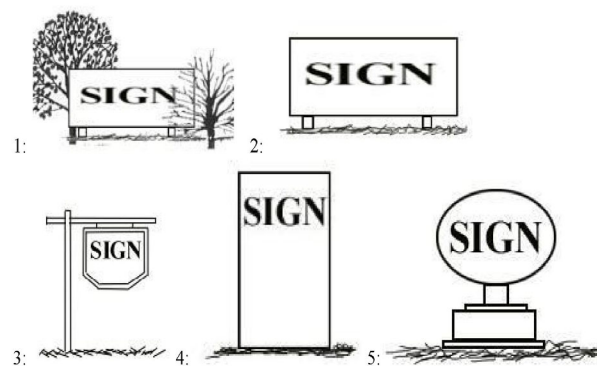
<b>Street Frontage</b>	<b>Maximum number of signs</b>
Up to 599 feet	1
600 feet or more	2 (plus an additional sign for each 300' of frontage)

(4) Monument sign plan submittal requirements.

(a) Required plans: The following plans must be submitted in an accurate and scaled form with appropriate dimensions clearly indicated. Approximated plans using aerial photographs are discouraged.

(b) Site plan: Entire view of the parcel including line of sight triangles, ultimate right-of-way, length of street frontage, and proposed location of monument sign.

- (c) Sign elevation: Elevation view including sign height, sign width, base height, and individual letter height).
  - (d) Construction details: Building/safety related construction information. Contact the building division for additional information.
  - (e) Material/color specifications: Details of colors, types of material and opaque/translucent surfaces.
  - (f) Additional pictures: Additional pictures indicating before/after conditions, if applicable.
- (5) Examples of the five (5) acceptable monument sign styles.



- (6) Sample sign elevation with essential information for town review.

SAMPLE SIGN ELEVATION



(Ord. #2019-01, \_\_\_ \_\_\_\_\_)

**14-403. Prohibited signs.** The following signs are prohibited under any circumstance:

- (1) Signs extending into the public right-of-way other than those permanent signs approved and installed by the town or the Tennessee Department of Transportation are prohibited. This does not apply to



pre-approved decorative signs. Nor does this item apply to on-premises, planned development identification signs.

- (2) Roof signs.
- (3) Portable signs of any kind, unless otherwise noted with specific exceptions in this chapter.
- (4) Flashing, pulsating, fluttering, swinging, or rotating signs other than time and/or temperature signs. This does not pertain to electronic signage that changes its content every\_ minute/seconds. Transitions from one (1) piece of content to the other shall be from any visual effects.
- (5) Signs that are similar in color, design, and appearance to traffic control signs.
- (6) Off-premises signs other than those permitted in § \_\_\_\_\_.
- (7) Nonconforming signs, except as permitted in \_\_\_\_\_ of these regulations.
- (8) Other signs not expressly allowed by these regulations.
- (9) Abandoned signs.
- (10) Illegal, nonconforming signs. (Ord. #2019-01, \_\_\_ \_\_\_\_\_)

**14-404. Signs not requiring a permit.** The following types of signs are exempted from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of these regulations.

- (1) Memorial signs, plaques, or grave markers that are noncommercial in nature.
- (2) Public interest signs.
- (3) On premises directional and instructional signs not exceeding six (6) square feet in area, unless such sign is a monument sign in which case it shall not exceed nine (9) square feet.
- (4) Identification signs not exceeding one percent (1%) square feet in area, that indicates the name/address of the occupant.
- (5) Window signs with a total copy area not exceeding fifty percent (50%) of the window or glass door onto which the sign(s) are located, except in residential districts, limited to one (1) non-illuminated sign per building not exceeding one percent (1%) square feet in area.
- (6) Incidental signs. Drive-in service window/menu board signs shall not be oriented as to be read or readily observed by people in the public right-of-way. Such signs shall not exceed thirty-two (32) square feet in size.
- (7) Campaign or election signs provided:
  - (a) Individual signs shall not exceed sixteen (16) square feet in area;
  - (b) All signs shall be removed within seven (7) days after the pertinent election;
  - (c) Property owners shall be held responsible for violations; and
  - (d) No signs shall be permitted in the public right-of-way.

(8) Real estate signs other than temporary planned development signs, provided:

(a) Signs advertising individual single family lots and duplexes under three (3) acres in size or individual units within attached housing shall not exceed six (6) square feet. Rider signs not exceeding a total of two (2) square feet in sign face area shall be permitted in addition to the six (6) square feet;

(b) Signs advertising all other uses shall not exceed one (1) square foot for every five (5) linear feet of frontage of the advertised property, up to a maximum of sixty-four (64) square feet in sign face area;

(c) Only one (1) sign per street front of the advertised property shall be erected;

(d) Properties having a continuous frontage in excess of one thousand (1,000) linear feet may be allowed an additional sign so long as such sign is no closer than one thousand feet (1,000') from another real estate sign on the property;

(e) Signs shall not be illuminated; and

(f) Signs shall be removed within seven (7) days after the sale is closed or, rent or lease transaction is finalized.

(9) Construction signs, other than temporary project development signs provided:

(a) Signs located on single family lots or duplex lots shall not exceed six (6) square feet in area. Rider signs not exceeding two (2) square feet in area shall be permitted in addition to the six (6) square feet;

(b) Signs for all other uses shall not exceed one (1) square foot for every five (5) linear feet of frontage of property under construction, up to a maximum of sixty-four (64) square feet in sign area;

(c) Signs are confined to the site of construction;

(d) Only one (1) sign per street front of the property under construction shall be erected;

(e) Signs shall not be illuminated; and

(f) Signs shall be removed within seven (7) days after the completion of a project.

(10) Temporary farm products signs provided:

(a) Signs are located on the premises where the products are sold in conjunction with a permitted farm use in that district;

(b) Signs shall not exceed thirty-two (32) square feet in area;

(c) Only one (1) sign shall be erected; and

(d) Signs shall be removed within seven (7) days of the termination of sale activities.

(11) On-premises, temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, provided:

(a) No more than one (1) sign per street front shall be permitted per event;

(b) Signs shall be located on the property on which the event will occur; and

(c) Signs shall be erected no sooner than fourteen (14) days before and removed seven (7) days after the event.

(12) Temporary banners in non-residential districts, provided:

(a) Only one (1) banner per establishment shall be allowed at a time;

(b) All banners shall be attached in total to a building wall or permanent canopy extending from a building;

(c) No paper banners shall be allowed;

(d) Banners shall be erected for a period not to exceed two (2) weeks;

(e) No more than six (6) such signs per establishment shall be erected within a calendar year; and

(f) No banner shall extend above the second floor level of a building or forty-five feet (45') above grade; whichever is less.

(13) LED signage regulations. LED signs shall have a maximum luminance of .03 footcandles above ambient light, which is below the TS4 Lighting standard of the National Electrical Manufacturer's Association (NEMA).

All LED signs shall have an ambient light sensor and dimming software that dims the luminance based on the readings of the ambient light sensor.

Measuring the brightness of an LED sign:

STEP 1: All LED luminance shall be measured with footcandle meter at distance from the sign based on the table below. All non-standard signs shall use a distances extrapolated by the codes enforcement officer based on the date below. The codes enforcer will be standing at the midpoint of the signage.

<b>Billboard Signage Face</b>	<b>Distance in Feet</b>
11 x 22	150
10.5 x 36	200
14 x 48	250
20 x 60	350

STEP 2: While standing in the spot determined by Step 1, the codes officer shall create a base line of the ambient light, while working at night, by blocking out all luminance of the LED sign with black, opaque, rectangular piece of material (approximately twelve inches by

forty-eight inches (12" x 48")) that is strategically positioned roughly six to eight feet (6-8') away from the footcandle meter. This measurement should not be picking up any of the direct luminance from the sign whatsoever.

STEP 3: A second measurement of light from the sign shall be measured from the exact same spot as determined in Step 1, but this time the rectangular-shaped "sign-blocking device" shall not be used, AND the sign manufacturer or operator shall put the sign on maximum "white."

STEP 4: If the difference between the baseline luminance and the subsequent luminance reading is 0.3 footcandles or less, then the billboard luminance is in compliance with this section of the Chapel Hill signage ordinance. (Ord. #2019-01, \_\_\_ \_\_\_\_\_)

**14-405. Definitions.** (1) "Abandoned sign." A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least sixty (60) days or, in the alternative, a sign which is non-commercial in nature and the content of the sign pertains to a time, event or purpose which has elapsed or expired in the preceding sixty (60) days. Such abandonment should include intentional conduct, such as failure to pay taxes or permit fees, or to maintain the sign, or a negligent failure to do so.

(2) "Animated sign." A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

(3) "Awning sign." A building mounted sign that provides additional functionality as shelter made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

(4) "Banner." A sign made of fabric or other non-rigid material with no enclosing framework.

(5) "Bulletin board." A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

(6) "Candela." A unit of measurement of the intensity of light. An ordinary wax candle flame generates approximately one (1) candela.

(7) "Canopy." A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

(8) "Changeable-copy sign." A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic

means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

(9) "Channel letter." A fabricated or formed three (3) dimensional letter that may accommodate a light source.

(10) "Complying sign." A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

(11) "Cone of vision." The area that is clearly visible to a driver, generally described as a "fan-shaped envelope" preceding the driver which allows the driver to safely see and observe moving objects and persons in front of and to the immediate left and right of the driver.

(12) "Conspicuity." The capacity of a sign to stand out or be distinguishable from its surroundings and thus be readily discovered by the eye. It is the noticeable contrast between a sign and its background, attributed to an exogenous (unplanned) or endogenous (planned) mindset, with the display having features that attract attention to the sign.

(13) "Content." The words and/or message displayed on a sign (a.k.a. "copy").

(14) "Content area." That area which displays the actual copy on a sign (a.k.a. "copy area").

(15) "Contrast." The difference or degree of difference in the appearance of adjacent surfaces, such as light and dark areas, different colors, or typefaces, and graphics appearing on various backgrounds.

(16) "Development sign." A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also designate the future occupant or use of the development.

(17) "Directional sign." Signs designed to provide direction to pedestrian and vehicular traffic.

"Dissolve/appear." A mode of message transition on an electronic message center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

(18) "Electronic message display." A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

(19) "Event sign." A temporary sign, other than a commercial sign, posted to advertise an event sponsored by a public agency, school, church or religious institution, civic-fraternal or other organization.

(20) "Fade/appear." A mode of message transition on an electronic message center accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(21) "Fascia sign." A building mounted sign.

(22) "Footcandle." A unit of illuminance or illumination equivalent to the illumination produced by a source of one (1) candle at the distance of one foot (1') and equal to one (1) lumen incident per square foot; abbreviation is FC3.

(23) "Freestanding sign." A sign that is not attached to a building.

(24) "Government sign." Any temporary or permanent sign erected and maintained for any governmental purposes.

(25) "Ground sign." A freestanding sign with a visible support structure.

(26) "Inflatable device." A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. "Inflatable devices" are restrained, attached, or held in place by a cord, rope, cable or similar method.

(27) "Illuminated sign." A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.

(28) "Internally illuminated sign." A sign that has the light source enclosed within it so the source is not visible to the eye.

(29) "Legibility." The physical attributes of a sign that allow for differentiation of its letters, words, numbers, or graphics, which directly relate to an observer's visual acuity.

(30) "Luminance." An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft<sup>2</sup>), or footcandles.

(31) "Marquee sign." A sign mounted on a permanent canopy.

(32) "Monument sign." A monolithic sign in which the bottom of the sign is flush with the ground and the horizontal dimension of the sign is greater than the vertical dimension.

(33) "Multi-tenant sign." A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

(34) "Municipality." The body of officers, taken collectively, belonging to the Town of Chapel Hill, Tennessee who are appointed to manage its affairs and defend its interests.

(35) "Nit." A unit measure of luminance or brightness equal to one (1) candela per square meter, measured perpendicular to the rays of the source.

(36) "Noncomplying sign." A sign that was legally erected and maintained but does not currently comply with sign restrictions because such restrictions were enacted after the sign was originally permitted and installed.

(37) "Off-premises sign." An outdoor sign whose message directs attention to a specific business, product, service, entertainment event or activity, or other commercial or noncommercial activity, or non-commercial message about something that is not sold, produced, manufactured, furnished,

or conducted at the property upon which the sign is located. Also known as a third party sign, billboard, or outdoor advertising.

(38) "On-premises sign." A sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

(39) "Organization." An entity, including a natural person, which owns or operates the premises where an on-premises sign is displayed.

(40) "Parapet." The portion of a building wall or false front that extends above the roofline.

(41) "Pennant." A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

(42) "Permanent sign." A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

(43) "Pole sign." A freestanding sign with visible support structure.

(44) "Primary copy." The words or message on a sign meant to be read by passers-by traveling at the posted speed limit.

(45) "Projecting sign." A building mounted sign with the faces of the sign projecting twelve inches (12") or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee.

(46) "Pylon sign." A freestanding sign with a visible support structure, which may or may not be enclosed by a pole cover.

(47) "Readability." That which enables the observer to correctly perceive that information content of letters, numbers or symbols grouped together in words, sentences, or other meaningful relationships on the sign. Readability is the character of a sign which leads to the observer's comprehension of its intended message, and depends on legibility and other considerations of contents and time restraints.

(48) "Real estate sign." A temporary sign advertising the real property upon which the sign is located for rent, for lease, or for sale and providing the name and location of the owner or his agent.

(49) "Roofline." The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

(50) "Roof sign." A building-mounted sign erected upon, against, or over the roof of the building.

(51) "Rotating sign." Sign faces or portions of a sign face which mechanically revolves around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights which convey an appearance of rotation.

(52) "Scroll." A mode of message transition on an electronic message center where the message appears to move vertically across the display surface.

(53) "Secondary copy." The words or messages on a sign which are meant to be read by automobiles that are idling or parked along a road way.

(54) "Sign." Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and uses for the purpose of communicating a message or attracting attention.

(55) "Sign height." The distance measured from the highest point of a sign to the base of the sign at the ground.

(56) "Signage." A community's inventory of signs used to communicate information or attract attention, including signature building, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs.

(57) "Snipe sign." A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

(58) "Temporary sign." Any sign intended to remain in use for a short period of time which is not permanently installed.

(59) "Transition." A visual effect used on an electronic message center to allow one (1) message to disappear while it is simultaneously being replaced by another.

(60) "Usable wall area." The exterior wall or surface area of a building or structure that excludes doors and windows.

(61) "Visibility." The physical attributes of a sign and its contents that allow for detection at a given distance, although legibility may be uncertain.

(62) "Wall sign." A building-mounted sign which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than sixteen inches (16") from such surface (see "fascia sign)."

(63) "Window sign." Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior (or interior if visible from exterior) of such building. (Ord. #2019-01, \_\_\_ \_\_\_\_\_)



## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

#### CHAPTER 1

#### MISCELLANEOUS<sup>2</sup>

#### SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic control signs, etc.
- 15-108. General requirements for traffic control signs, etc.
- 15-109. Unauthorized traffic control signs, etc.
- 15-110. Presumption with respect to traffic control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>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.

- 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. Motorcycles, motor-driven cycles, motorized bicycles, bicycles, etc.
- 15-121. Delivery of vehicle to unlicensed driver, etc.
- 15-122. Compliance with financial responsibility law required.
- 15-123. Adoption of state traffic statutes.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by *Tennessee Code Annotated*, title 55, chapter 9. (2005 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. (2005 Code, § 15-102)

**15-103. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (2005 Code, § 15-104)

**15-104. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (2005 Code, § 15-105)

**15-105. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle

within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right-hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right-hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right-hand lane. On one-way streets, either lane may be lawfully used in the absence of markings to the contrary. (2005 Code, § 15-106)

**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. (2005 Code, § 15-107)

**15-107. Miscellaneous traffic control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

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

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

**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

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<sup>1</sup>Municipal code references

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

<sup>2</sup>For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*

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. (2005 Code, § 15-110)

**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 town authority. (2005 Code, § 15-111)

**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. (2005 Code, § 15-112)

**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. (2005 Code, § 15-113)

**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. (2005 Code, § 15-114)

**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. (2005 Code, § 15-115)

**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. (2005 Code, § 15-116)

**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. (2005 Code, § 15-117)

**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. (2005 Code, § 15-118)

**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," being *Tennessee Code Annotated*, § § 55-1-101, *et seq.*, or the "Uniform Classified and Commercial Driver License Act of 1988," being *Tennessee Code Annotated*, § § 55-50-101, *et seq.* (2005 Code, § 15-119, modified)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (2005 Code, § 15-120)

**15-120. Motorcycles, motor-driven cycles, motorized bicycles, bicycles, etc.** (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters (50cc) which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motorcycle, motor-driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor-driven cycles, or motorized bicycles.

(3) No person operating or riding a bicycle, motorcycle, motor-driven cycle or motorized bicycle 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.

(4) No bicycle, motorcycle, motor-driven cycle or motorized bicycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor-driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor-driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) Each driver of a motorcycle, motor-driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle, motor-driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor-driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the

purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) 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, motor-driven cycle or motorized bicycle in violation of this section. (2005 Code, § 15-121)

**15-121. Delivery of vehicle to unlicensed driver, etc.**

(1) Definitions. (a) "Adult" shall mean any person eighteen (18) years of age or older.

(b) "Automobile" shall mean any motor-driven automobile, car, truck, tractor, motorcycle, motor-driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Driver's license" shall mean a motor vehicle operator's license or chauffeur's license issued by the State of Tennessee.

(e) "Juvenile," as used in this chapter, shall mean a person less than eighteen (18) years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operator's or chauffeur's license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Chapel Hill unless such person has a valid motor vehicle operator's or chauffeur's license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town. (2005 Code, § 15-122)

**15-122. Compliance with financial responsibility law required.**

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

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, title 55, chapters 8 and 10,

parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault. For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under *Tennessee Code Annotated*, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

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

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

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

**15-123. Adoption of state traffic statutes.** By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the town adopts by reference as



if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the town adopts *Tennessee Code Annotated*, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-8-199 by reference as if fully set forth in this section.

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (2005 Code, § 15-201)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (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:

(a) Park or stand, irrespective of the provisions of this title;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limit so long as life or property is not thereby endangered; and

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that an authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue 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 the driver's own reckless disregard for the safety of others. (2005 Code, § 15-202)

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<sup>1</sup>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 other than one on official business 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. (2005 Code, § 15-203)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or police officer. (2005 Code, § 15-204)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (2005 Code, § 15-301)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (2005 Code, § 15-302)

**15-303. In school zones.** Pursuant to *Tennessee Code Annotated*, § 55-8-152, the town shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (2005 Code, § 15-303)

## 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.** Every driver who intends to turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in *Tennessee Code Annotated*, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement. (2005 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. (2005 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 such center line where it enters the intersection, and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (2005 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 traffic moving in such direction upon the roadway being entered. (2005 Code, § 15-404)

**15-405. U-turns.** U-turns are prohibited. (2005 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. At pedestrian control signals.
- 15-510. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the applicable laws of this state, or of a police vehicle making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (2005 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 a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. (2005 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. (2005 Code, § 15-503)

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

**15-504. At railroad crossings.** (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad, and shall not proceed until that driver can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train;

(c) A railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; and

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (2005 Code, § 15-504)

**15-505. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal. (2005 Code, § 15-505)

**15-506. At "yield" signs.** (1) The driver of a vehicle who is faced with a yield sign at the entrance to a through highway or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway or other roadway, or which are approaching so closely on the highway or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(2) Where there is provided more than one (1) lane for vehicular traffic entering a through highway or other public roadway, if one (1) or more lanes at such entrance are designated a yield lane by an appropriate marker, this section shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls. (2005 Code, § 15-506)

**15-507. At traffic control signals generally.** Whenever traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and 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 either 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) Yellow alone, or "Caution", when shown following the green or "Go" signal:

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing the signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) Red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(c) A left turn on a red or stop signal shall be permitted at all intersections within the town where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making



such a turn, the prospective turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except that clearly marked by a "No Turn of Red" sign, which may be erected by the town at intersections which the town decides requires no left turns on red in the interest of traffic safety.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(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 at the signal. (2005 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, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, and the light is clearly visible for a sufficient distance ahead to permit such stopping, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid 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. (2005 Code, § 15-508)

**15-509. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

(1) Walk. Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing. (2005 Code, § 15-509)

**15-510. Stops to be signaled.** Every driver operating a motor vehicle who intends to stop such vehicle, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give the signal required in *Tennessee Code Annotated*, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement. (2005 Code, § 15-510)

## 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 this town shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen inches (18") of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

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. (2005 Code, § 15-601)

**15-602. Angle parking.** On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (2005 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. (2005 Code, § 15-603)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

- (1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) 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 such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel; and
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is:
  - (a) Physically handicapped; or
  - (b) Parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under *Tennessee Code Annotated*, title 55, chapter 21. (2005 Code, § 15-604)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (2005 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. (2005 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.**<sup>1</sup> 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 town 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. (2005 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. (2005 Code, § 15-702)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation. (2005 Code, § 15-703)

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.

State law reference

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

**15-704. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked, so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs or until it is otherwise lawfully disposed of. The storage cost of the impounded vehicle shall be twenty-five dollars (\$25.00) a day for each motor vehicle stored in the impoundment lot. Any part of a day shall count as a whole day. (2005 Code, § 15-704, as amended by Ord. #17-2, May 2017)

**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 to 55-16-109. (2005 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 not to exceed the state authorized maximum for each separate offense.
- (2) Parking violations excluding handicapped parking. Fines for parking violations shall be as provided by resolution of the board of mayor and aldermen. (2005 Code, § 15-707)

## TITLE 16

### STREETS AND SIDEWALKS, ETC.<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.

#### 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. Obstruction of drainage ditches and easements.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades, etc., regulated.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. 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. (2005 Code, § 16-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project 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'). (2005 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

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<sup>1</sup>Municipal code reference

Motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (2005 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.<sup>1</sup> (2005 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 or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (2005 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. (2005 Code, § 16-106)

**16-107. Obstruction of drainage ditches and easements.** (1) It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch, pond or other drainage facility located with a public right-of-way or easement. It shall also be unlawful for any person to obstruct or interfere with the town's ability to access, inspect, maintain, repair or replace a drainage ditch, pond or other drainage facility within a public right-of-way or easement.

(2) The town has the right to clear public rights-of-way and easements of all obstructions and shall not be required to make any repairs or replacements within public easements. The town may assist a property owner in coordinating the repair, replacement or removal of certain structures within a public right-of-way or easement, such as driveways, but all costs of such repair, replacement or removal shall be paid by the property owner or other party, and not the town. (Ord. #2020-7, July 2020)

**16-108. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (2005 Code, § 16-109)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.



**16-109. Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the town recorder. (2005 Code, § 16-110)

**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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2005 Code, § 16-111)

**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. (2005 Code, § 16-112)

**16-112. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty not to exceed state authorized maximums. (2005 Code, § 16-113)

## CHAPTER 2

### EXCAVATIONS

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Violations and penalty.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, including utility districts, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the town recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (2005 Code, § 16-201)

**16-202. Applications.** Applications for such permits shall be made to the town recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the town recorder within twenty-four (24) hours of its filing. (2005 Code, § 16-202)

**16-203. Fee.** The fee for such permits shall be as provided by resolution of the board of mayor and aldermen. (2005 Code, § 16-203)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be sufficient to insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the town recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit, the applicant may deposit with the town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (2005 Code, § 16-204)

**16-205. Safety restrictions on excavations.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (2005 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 this town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the town recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (2005 Code, § 16-206)

**16-207. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person

applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the town recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than two hundred fifty thousand dollars (\$250,000.00) for each person and six hundred thousand dollars (\$600,000.00) for each accident, and for property damages not less than eighty-five thousand dollars (\$85,000.00) for any one (1) accident. (2005 Code, § 16-207)

**16-208. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the town recorder. (2005 Code, § 16-208)

**16-209. Supervision.** The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (2005 Code, § 16-209)

**16-210. Violations and penalty.** Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense. (2005 Code, § 16-210)

**TITLE 17****REFUSE AND TRASH DISPOSAL**<sup>1</sup>**CHAPTER****1. REFUSE STORAGE AND COLLECTION.****CHAPTER 1****REFUSE STORAGE AND COLLECTION****SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Refuse collection fees.
- 17-110. Violations and penalty.

**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. (2005 Code, § 17-101)

**17-102. Premises to be kept clean.** All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (2005 Code, § 17-102)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four feet (4') and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection. (2005 Code, § 17-103)

**17-104. Location of containers.** Where alleys are used by the town refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (2005 Code, § 17-104)

**17-105. Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (2005 Code, § 17-105)

**17-106. Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (2005 Code, § 17-106)

**17-107. Collection vehicles.** The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (2005 Code, § 17-107)

**17-108. Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (2005 Code, § 17-108)

**17-109. Refuse collection fees.** Refuse collection fees shall be at such rates as are from time to time set by the board of mayor and aldermen by resolution.<sup>1</sup> (2005 Code, § 17-109)

**17-110. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty not to exceed the state authorized maximum. Each day a violation is allowed to continue shall constitute a separate offense. (2005 Code, § 17-110)

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<sup>1</sup>Administrative resolutions are of record in the office of the town recorder.

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. WASTEWATER DISPOSAL.
2. WATER.
3. WATER AND SEWER SERVICE OUTSIDE TOWN LIMITS.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
5. FATS, OILS, AND GREASE.

#### CHAPTER 1

### WASTEWATER DISPOSAL

#### SECTION

- 18-101. Purpose and policy.
- 18-102. Definitions.
- 18-103. Requirements for proper wastewater disposal.
- 18-104. Physical connection to public sewer.
- 18-105. Inspection of connections.
- 18-106. Maintenance of building sewers.
- 18-107. Private domestic wastewater disposal.
- 18-108. Regulation of holding tank waste disposal.
- 18-109. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-110. Discharge regulations.
- 18-111. Industrial user monitoring, inspection reports, records access, and safety.
- 18-112. Enforcement and abatement.
- 18-113. Fees and billing.

**18-101. Purpose and policy.** This chapter sets uniform requirements for collection, treatment and disposed of water in the service area of the Town of Chapel Hill, Tennessee and its objectives are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;

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<sup>1</sup>Municipal code reference

Building and plumbing codes: title 12.



(3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the town's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;

(4) To provide for full and equitable distribution of the cost of the wastewater treatment system;

(5) To enable the Town of Chapel Hill to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR part 403), and other applicable federal and state laws and regulations;

(6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

This chapter provides that all persons in the service area of the Town of Chapel Hill must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for issuance of permits to system users, for regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for setting of fees, full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the Town of Chapel Hill, Tennessee, and to persons outside the town who are, by contract or agreement with the town, users of the municipal wastewater treatment system. Except as otherwise provided herein, the Water and Sewer Superintendent of the Town of Chapel Hill shall administer, implement, and enforce the provisions of this chapter. (2005 Code, § 18-101)

**18-102. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

(2) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards." National Categorical pretreatment standards or pretreatment standard.

(7) "City." The Town of Chapel Hill or the Board of Mayor and Aldermen of Chapel Hill, Tennessee.

(8) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(9) "Compatible pollutant" shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(10) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the superintendent if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

(11) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(12) "Customer" means any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

(13) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(14) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(15) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(16) "Garbage" shall mean solid wastes from any domestic, commercial, or industrial source.

(17) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes.

(18) "Grease interceptor." An interceptor whose rated flow is 50 g.p.m. or less and is generally located inside the building.

(19) "Grease trap." An interceptor whose rated flow is 50 g.p.m. or more and is located outside the building.

(20) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(21) "Incompatible pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(22) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(23) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. 1342).

(24) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(25) "Interference." The interference or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 40 CFR 503, rule 1200-14, Solid Waste Processing and Disposal, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(26) "Local administrative officer." The chief administrative officer of the local hearing authority.

(27) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-112.

(28) "National categorical pretreatment standard" or "pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.

(29) "NPDES (National Pollutant Discharge Elimination System)" shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous

zone, and the oceans pursuant to section 402 of the Federal Water Pollution Control Act as amended.

(30) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the federal register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(31) "O&M." Operations and maintenance.

(32) "Person." Any individual, partnership, copartnership, 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, the singular shall include the plural where indicated by the context.

(33) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(34) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(35) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(36) "Pretreatment" or "treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alternation can be obtained by physical, chemical, or biological processes, or process changes by other means, except through dilution as prohibited by 40 CFR section 403.6(d).

(37) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

(38) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewaters to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

(39) "POTW treatment plant." The portion of the POTW designed to provide treatment to wastewater.

(40) "Shall" is mandatory; "may" is permissive.

(41) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(42) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(43) "State." State of Tennessee.

(44) "Storm sewer" or "storm drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(45) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(46) "Superintendent." The person designated by the town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(47) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(48) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA (307 (a)) or other Acts.

(49) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(50) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

(51) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(52) "Wastewater treatment systems." Defined the same as POTW.

(53) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or

underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (2005 Code, § 18-102, modified)

**18-103. Requirements for proper wastewater disposal.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the Town of Chapel Hill, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the town of any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) Except as provided in § 18-103(5) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so.

(5) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(6) Where a public sanitary sewer is not available under the provisions of § 18-103(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-107 of this chapter. (2005 Code, § 18-103)

**18-104. Physical connection to public sewer.** (1) Sewer service connection. The town is required to construct a sewer line to the nearest point on an owner's property line. The owner is responsible, at owner's expense, for extending the sewer service, including septic tank and service line to the building in accordance with town's specifications.

(2) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-109 of this chapter.

(3) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall

indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others must be sealed to the specifications of the superintendent.

(6) Building sewers shall conform to the following requirements:

(a) The minimum size of a building sewer shall be four (4) inches;

(b) The minimum depth of a building sewer shall be eighteen inches (18");

(c) Small diameter gravity sewer septic tank effluent pump;

(d) Four-inch (4") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(e) Slope and alignment of all building sewers shall be neat and regular.

(f) Building sewers shall be constructed only of:

(I) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(ii) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(iii) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(g) A cleanout shall be located five feet (5') outside of the building, one (1) as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five (45) degrees. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six-inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(h) Connections of building sewers to the public sewer system shall be made only by authorized personnel and made only of the

appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent or his designee. All such connections shall be made gas-tight and water-tight.

(I) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a step or grinder pump and discharged to the building sewer at the expense of the owner.

(j) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and Water Environment Federation Manual of Practice FD-5. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(k) An installed building sewer shall be gas-tight and water-tight.

(7) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (2005 Code, § 18-104)

**18-105. Inspections of connections.** (1) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the superintendent or his authorized representative.



(2) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative. (2005 Code, § 18-105)

**18-106. Maintenance of building sewers.** (1) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the town. Owners failing to maintain or repair building sewers or who allow storm water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer services.

(2) All commercial customers or users of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the town. Commercial customers or users shall mean any customer or user, other than a residential dwelling. (2005 Code, § 18-106)

**18-107. Private domestic wastewater disposal.** (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-103(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth (1/8) inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in §§ 18-103 through 18-106, the owner shall provide a private sewage pumping station as provided in § 18-104(5)(h).

(c) Where a public sewer becomes available (abutting the property), the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the town to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the town and Marshall County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the town and Marshall County Health Department. The owner shall supply

any plans, specifications, and other information as are deemed necessary by the town and Marshall County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the town and Marshall County Health Department. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the town and Marshall County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the town and Marshall County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environment and Conservation of the State of Tennessee and the town and Marshall County Health Department. No septic tank or cesspool shall be permitted to surface discharge.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the town and Marshall County Health Department. (2005 Code, § 18-107)

**18-108. Regulation of holding tank waste disposal.** (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Fees. For each permit issued under the provisions of this chapter, the applicant shall either agree in writing to the provisions of this section or pay an annual service charge to the town to be set as specified in § 18-113. Any such permit granted shall be for one (1) full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three-inch

(3") permanent figures on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Chapel Hill.

(5) Trucked in waste. The superintendent may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW. (2005 Code, § 18-108, modified)

**18-109. Applications for domestic wastewater discharge and industrial wastewater discharge permits.** (1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make written application to the superintendent for connection to the POTW. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with §§ 18-103 through 18-106 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the town of a prospective customer's application for service shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall make application for a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(I) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application on the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least sixty (60) days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the town.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this subsection, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-110 of this chapter.

(v) The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the town of a prospective customer's application for wastewater discharge permit shall not obligate the town to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the town to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town.

(I) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limitations on volume, concentration, and time of discharge, based on 40 CFR 403, categorical standards, local limits, and state and local law;

(D) Self-monitoring, sampling, reporting, notification, record keeping, identification of pollutants to be monitored, sampling location, sampling frequency, sample type;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines; and

(F) Prohibition of bypasses.

(ii) Permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(B) Effluent limitations on volume, concentration, and time of discharge;

(C) Requirements for installation and maintenance of inspections and sampling facilities;

(D) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(E) Compliance schedules;

(F) Requirements for submission of technical reports of discharge reports;

(G) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto;

(H) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(I) Requirements for notification of slug discharged and spill control plan;

(J) Effluent mass loading restrictions; and

(K) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(d) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-109(2)(b)(ii) and 18-109(b)(iii). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(I) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation;

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; a change in strength, volume, or timing of discharges; an addition or change in process lines generating wastewater; and

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the town's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (2005 Code, § 18-109)

**18-110. Discharge regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW, residential, commercial, or industrial, whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of general and specific prohibitions may result in discontinuance of water and/or sewer service and other fines as provided in § 18-112. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, 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, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) 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 POTW.

(d) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(e) Any trucked or hauled pollutants except at discharge points designated by the POTW.

(f) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(g) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life, and are sufficient to prevent entry into the sewers for maintenance and repair.



(h) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, 40 CFR 503 guidelines or regulations, the Clean Air Act (42 U.S.C. §§ 7401, *et seq.*, the Toxic Substances Control Act (15 U.S.C. §§ 2601, *et seq.*, or state criteria applicable to the sludge management method being used.

(I) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(j) 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.

(k) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees Celsius (40°C) (one hundred four degrees Fahrenheit (104°F)).

(l) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(n) Any water containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing 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, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees Fahrenheit (150°F) (zero (0) and sixty-five degrees Celsius (65°C)).

(q) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee

Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards provided in Table B--Plant Protection Criteria, unless specifically allowed by their discharge permit local limits (Table A--User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

(3) Fats, oils and grease traps and interceptors.

(a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (I) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent, the sewer user must:

(A) Implement the plan within a reasonable amount of time; and

(B) Service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If, in the opinion of the

superintendent, the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the adopted plumbing code and Tennessee Department of Environment and Conservation engineering standards. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the town has under this chapter, or state or federal law.

The town retains the right to inspect and approve installation of control equipment.

(f) The superintendent may use industrial wastewater discharge permits to regulate the discharge of fat, oil and grease.

Table A--User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides & Herbicides	BDL**	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Surfactants, as MBAS	25.0	50.0
Zinc	3.0	5.0

\*Based on 24-hour flow proportional composite samples.

\*\*BDL=Below Detectable Limits.

(4) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table. (Table B--Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B--Plant Protection Criteria

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional (Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Aluminum dissolved (AL)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron (B)	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt (Co)	0.03	0.06
Copper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.1	0.2
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	.001	.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	0.3	0.6
Total Kjeldahl Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.00	100.00
MBAS	5.00	10.0
BOD	250	500
COD	500	1400
Suspended Solids	250	700

BDL=Below Detectable Limits

(5) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall

notify all affected users of the applicable reporting requirements under 40 CFR section 403.12.

(6) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(7) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the town and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(8) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in subsections (1) and (2) of this section. Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the town.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the town in its review of the application.

(b) Conditions. All exceptions granted under this subsection shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation, control, and housekeeping levels,

etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

(I) Interfere with the normal collection and operation of the wastewater treatment system;

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management; and

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in-force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the town upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the town at its next regularly scheduled meeting.

(d) Review of application by the town. The town shall review and evaluate all applications for exceptions and shall take into account the following factors:

(I) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-109(2)(b)(vii) and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency

under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge; and

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(9) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Spill control plan and additional facilities may be required of any industrial user. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) in person or by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the



accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the users may submit an approved SPIC. Each user shall annually certify to the superintendent compliance with this paragraph. (2005 Code, § 18-110, modified)

**18-111. Industrial user monitoring, inspection reports, records access, and safety.** (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's

requirements and all applicable local agency construction standards and specifications.

(2) Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a professional engineer registered to practice engineering in Tennessee.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent by the end of the months of March and September, or according to permit requirements, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record

of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Quality Control, Tennessee Department of Environment and Conservation, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the

company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the POTW shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance of effluent standards within ninety (90) days of start up of the industrial process.

(8) Reporting violations. If sampling performed by the industrial user indicates effluent violations, the user must notify the pretreatment coordinator within twenty-four (24) hours of becoming aware of the violation and repeat the analysis within thirty (30) days of becoming aware of the violation, unless the POTW has monitored between the sample date and the day when the results of the violation were received, or if the POTW monitors at least once per month, or if the user is on a monthly sample schedule. (2005 Code, § 18-111)

**18-112. Enforcement and abatement.** (1) Complaints; notification of violation; orders.

(a) (I) Whenever the local administrative officer has reason to believe that a violation of any provision of the pretreatment program of the town or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in § 18-112(2), no later than thirty (30) days after the date such order is served; provided, that the local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments.

(iv) Notification of violation. Notwithstanding the provisions of subsections (I) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order

issued hereunder, or any other pretreatment requirements, the town or its agent may serve upon said user a written notice of violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the pretreatment coordinator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the town to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (I) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one (1) of the following orders. These orders shall not be prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time stated, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take such remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the POTW, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the local administrative officer deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take such emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the local administrative officer in meeting the emergency.

(ii) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter, may file with the local administrative officer a written request for reconsideration within thirty (30) days of such order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order or other instrument issued by or under authority of this section may be served on any person affected thereby personally, by the local administrative officer or any person designated by the local administrative officer, or such service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(I) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing herein provided may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting in order to conduct the hearing herein provided;

(iii) A verbatim record of the proceedings of such hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made pursuant to subdivision (a)(vi). The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of the county in which the pretreatment agency is located shall have jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring such person to appear and testify or produce evidence as the case may require, and any failure to obey such order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter such decisions and orders as, in its opinion, will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chair;

(vii) The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (b); and

(viii) Any person to whom an emergency order is directed pursuant to § 18-112(1) shall comply therewith immediately, but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the chancery court pursuant to the common law writ of certiorari set out in *Tennessee Code Annotated*, § 27-8-101, within sixty (60) days from the date such order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user which causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations--civil penalty. (a) (I) Any person including, but not limited to, industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

- (A) Unauthorized discharge, discharging without a permit;
- (B) Violates an effluent standard or limitation;
- (C) Violates the terms or conditions of a permit;
- (D) Fails to complete a filing requirement;
- (E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;
- (F) Fails to pay user or cost recovery charges; or



(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any civil penalty shall be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator; and

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of *Tennessee Code Annotated*, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by *Tennessee Code Annotated*, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the town resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on such judgment. The court, in such proceedings,

shall treat the failure to appeal such assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In such action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-109(2)(g) of this chapter, any user that violates the following conditions, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-110 of this chapter.

(f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund. (2005 Code, § 18-112)

**18-113. Fees and billing.** (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the town's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees.<sup>1</sup> The charges and fees as established in the town's schedule of charges and fees, may include, but not be limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for application for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the town may deem necessary to carry out the

requirements of this chapter.

(h) Each person, firm, association or corporation desiring a permit pursuant to § 18-108(1) hereof, shall pay an annual permit fee due January 1 of each year. The permit fee shall accompany each application submitted between January 1 and June 30 and a partial permit fee shall accompany each application submitted between July 1 and December 31. In addition to the annual permit fee, the permittee shall pay an inspection fee prior to cleaning out, draining, or flushing of holding tank.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-109 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the town's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping shall be set by the board of mayor and aldermen.

The inspection and tapping fee shall be two thousand five hundred dollars (\$2,500.00) per water/sewer tap for a standard water three-fourths inch (3/4") tap. In addition to the tap fee, the applicant must also reimburse the town for the actual cost of connecting to the water/sewer line, including all materials, labor, equipment (including but not limited to meters), and the cost of boring, if necessary, before service is provided. The cost for larger taps may be higher and will be set by resolution of the board.

The inspection fee for all non-residential uses shall be calculated based upon the number of design units of the proposed use multiplied by the estimated flow (in gallons per day) divided by the equivalent dwelling units (or three hundred fifty (350)) multiplied by the standard tap fee. (Design units x flow (GPD)/350 x tap fee). The estimated flow for EDUs and design units are based

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<sup>1</sup>Charges and fees are provided by resolution of the board of mayor and aldermen and are of record in the office of the recorder.

upon the design basis for new sewage works accepted by the TDEC and is set out in Exhibit A.<sup>1</sup>

(5) Sewer user charges. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Surcharge fees. Users who contribute wastewater in strengths which exceed that of domestic wastewater will be subject to surcharges according to calculations by the superintendent. Surcharges will effect the increased cost of treating high-strength waste.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-109 of this chapter.

(8) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Capacity fees for capital improvements. Customers connecting to the wastewater treatment system shall pay a capacity fee to fund capital improvements associated with the construction, expansion, and improvement of the sewer system, including improvements to the town's wastewater treatment plant to provide additional wastewater treatment and disposal capacity to the town's wastewater system. This fee shall be paid at the same time and in addition to the wastewater tap and other applicable fees for connection to the system. The minimum capacity fee shall be five thousand dollars (\$5,000.00) per residential or Equivalent Dwelling Unit ("EDU") and may be amended by resolution of the board of mayor and aldermen. The capacity fee for nonresidential uses shall be calculated by multiplying the estimated number of EDUs for the use(s) multiplied by the capacity fee. All proceeds received by the town from payment of the capacity fee shall be used for capital improvements to the wastewater system.

(10) Adjustment of wastewater bills resulting from excessive water use.

(a) This subsection eliminates wastewater bills for customers where it is shown that there has been:

(i) Excessive water use during a billing cycle (due to filling a pool, water tank, etc.) that does not create additional wastewater. The customer must make a request for a bill reduction within sixty (60) days after receipt of the bill, when filling a swimming pool or a water tank. The calculation for pools and water tanks shall be determined by container volume (dimensions), or by a dedicated meter and separate billing account. The adjustment will be made to the wastewater portion of the bill only.

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<sup>1</sup>A copy of Exhibit A is available in the office of the recorder.

(ii) Irrigation systems which have a dedicated meter, and a separate billing account shall not be subject to a wastewater charge.

(iii) All bill adjustment requests made as a result of a water leak shall be approved when a water leak is established and when sufficient evidence has been presented that the leak has been repaired. The bill adjustment for a water leak shall be based upon the customer's average sewer bill for the six (6) months prior to when it is determined the leak began. If six (6) months of billing data is not available, the AWWA standard estimated usage may be used to establish the bill adjustment. Two (2), but not more than two (2), wastewater bills may be adjusted if it is determined that the leak continued longer than one (1) billing cycle. The adjustment may be made to the water or wastewater portion of the bill, to be determined on a case-by-case basis..

(b) It is intent of the town that customers shall pay for all water used, and there shall be no authority to reduce a water bill except by appeal to the board of mayor and aldermen. (2005 Code, § 18-113, as amended by Ord. #19-08, May 2019, Ord. #2020-09, Oct. 2020, and Ord. #2022-008, Nov. 2022)

## CHAPTER 2

### WATER

#### SECTION

- 18-201. Connection to water system required.
- 18-202. Connection charges.
- 18-203. Maintenance and repairs.
- 18-204. Water/sewer main extensions.
- 18-205. Reconnection fee after business hours.

**18-201. Connection to water system required.** All dwellings located within the Town of Chapel Hill, Tennessee are required to connect to the municipal water system and are required to use the municipal water system as their sole source of water within said dwelling. Nothing herein shall prohibit the use of well water for agricultural, fire suppression or other uses outside of their dwelling. (2005 Code, § 18-201)

**18-202. Connection charges.** Service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town. Before a new water/sewer line will be laid by the town, the applicant shall pay a nonrefundable connection charge of two thousand five hundred dollars (\$2,500.00) per connection plus the actual cost of connecting to the sewer line, including all materials and equipment, including meters, and the cost of boring, if necessary. (2005 Code, § 18-202)

**18-203. Maintenance and repairs.** Once a service line is complete and connected, the town shall be responsible for maintenance, repairs and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. The town shall make necessary repairs to its line to restore the condition of said line to the same or better condition, using comparable materials. The town will also attempt to restore the condition of any property affected by maintenance and repairs as best as possible. The town shall not be responsible for any damages to private property caused by the break of a water/sewer line or the subsequent repair unless the town is determined to have been negligent or directly responsible for such damages. (2005 Code, § 18-203)

**18-204. Water/sewer main extensions.** Persons desiring water/sewer main extensions must pay all of the cost of such extensions. All such extensions shall be installed by town employees or contractors of the town in accordance

with plans and specifications prepared by an engineer registered with the State of Tennessee. Notwithstanding any other provision in this code, all water main extensions that intersect with town streets or roads shall be constructed by boring under such roads, unless a variance is approved by the board of mayor and alderman allowing a street to be cut or excavated. (2005 Code, § 18-204)

**18-205. Reconnection fee after business hours.** The fee to reconnect water service to any customer during business hours shall be forty dollars (\$40.00); the fee to reconnect water service after business hours shall remain fifty dollars (\$50.00). These fees may be amended by the board of mayor and aldermen by resolution. (2005 Code, § 18-205)



## CHAPTER 3

### WATER AND SEWER SERVICE OUTSIDE TOWN LIMITS

#### SECTION

18-301. Water and sewer service.

18-302. Rates and charges.

**18-301. Water and sewer service.** (1) No future water or sewer service of the town may be connected or served to property outside the limits of the town until the following conditions are met:

(a) All persons owning an interest in the property to be connected with or served by water or sewer service of the town must petition the town for annexation;

(b) If buildings are to be constructed on the property to be connected with or served by water or sewer service of the town, the construction must be in compliance with standard building codes adopted by the town, town's zoning ordinances, town's subdivision regulations and town's water and sewer use ordinances;

(c) A building permit must be obtained from the town as if the property were located within the town;

(d) All persons having an interest in the property must agree in writing to annexation of the property at a later date; and

(e) Once the agreement has been accepted by the town's board of mayor and aldermen, construction may proceed although annexation and rezoning has not been completed.

(2) Where town water or sewer lines are adjacent to property with an existing building, residence, business or structure outside the town's limits, the town administrator shall have authority, after consultation with the town's planning commission, to contract with the property owner for water or sewer service without annexation, provided the property is served by one (1) tap for each service and no additional buildings, residences, businesses or structures are constructed on the property; and, further provided, that the property owner agrees in writing to annexation at a later date upon the initiative of the town or others.

(3) All agreements with property owners shall bind the owners, their successors and assigns, the property and run with the land.

(4) The town's planning commission and board of mayor and aldermen shall make a determination as to annexation in the ordinary course of the town's business and in compliance with town ordinances and state laws applicable thereto. If the town elects not to annex the property, owners' agreement shall remain in effect and binding with regard to the property and development thereof in accordance with the agreement. (2005 Code, § 18-301)

**18-302. Rates and charges.** The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system outside the town's limits.<sup>1</sup> (2005 Code, § 18-302)

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<sup>1</sup>Such rates are reflected in administrative resolutions, which are of record in the office of the recorder.

## CHAPTER 4

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations and penalty.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross-connection." Any physical arrangement whereby the public water supply is connected directly or indirectly with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the Town of Chapel Hill for general use and which supply is recognized as the

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<sup>1</sup>Municipal code reference

Building and plumbing codes: title 12.

Wastewater disposal: title 18, chapter 1.

public water supply by the Tennessee Department of Environment and Conservation. (2005 Code, § 18-401)

**18-402. Standards.** The Town of Chapel Hill public water supply is to comply with *Tennessee Code Annotated*, §§ 68-221-701 to 68-221-720 as well as the *Rules and Regulations for Public Water Supplies*, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (2005 Code, § 18-402)

**18-403. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, bypass, or additional interconnection to be made; or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of the Water Department of the Town of Chapel Hill or his designated representative. (2005 Code, § 18-403)

**18-404. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of the Water Department of the Town of Chapel Hill a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (2005 Code, § 18-404)

**18-405. Inspections required.** It shall be the duty of the Superintendent of the Town of Chapel Hill public water supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Superintendent of the Water Department of the Town of Chapel Hill and as approved by the Tennessee Department of Environment and Conservation. (2005 Code, § 18-405)

**18-406. Right of entry for inspections.** The superintendent of the water department or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems thereof for

cross-connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (2005 Code, § 18-406)

**18-407. Correction of existing violations.** Any person who now has cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the Water Department of the Town of Chapel Hill.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the *Tennessee Code Annotated*, § 68-221-711, within a reasonable time and within the time limits set by the superintendent shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

Where cross-connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (2005 Code, § 18-407)

**18-408. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the superintendent, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Superintendent of the Water Department of the Town of Chapel Hill, or his designated representative, shall require the use of an approved protective

device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of the Water Department of the Town of Chapel Hill prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one (1) unit is installed and the continuance of service is critical, the superintendent of the water department shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the Superintendent of the Water Department of the Town of Chapel Hill.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent. (2005 Code, § 18-408)

**18-409. Unpotable water to be labeled.** The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. (2005 Code, § 18-409)

**18-410. Violations and penalty.** The requirements contained herein shall apply to all premises served by the town water system, whether located inside or outside the corporate limits, and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty not to exceed the state authorized maximum, and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the Superintendent of the Water Department of the Town of Chapel Hill shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (2005 Code, § 18-410)

## CHAPTER 5

### FATS, OILS, AND GREASE

#### SECTION

- 18-501. Scope and purpose.
- 18-502. Definitions.
- 18-503. Requirements.
- 18-504. Grease interceptors.
- 18-505. Grease interceptor cleaning/maintenance requirements.
- 18-506. Grease trap cleaning/maintenance requirements.
- 18-507. Food service establishment FOG permits and inspections.
- 18-508. Fees.
- 18-509. "Additives" prohibition for use as grease management and control.
- 18-510. Enforcement action.
- 18-511. Violations and penalty.

**18-501. Scope and purpose.** To prevent sanitary and combined sewer system blockages, obstructions and overflows due to the contribution and accumulation of Fats, Oils and Grease (FOG) from food service establishments, commercial facilities and industrial facilities. (Ord. #2022-001, Nov. 2022)

**18-502. Definitions.** (1) "Fats, Oils, and Grease ( FOG)." Organic polar compounds derived from animal and/or plant sources. FOG may be referred to as "grease" or "greases" in this section.

(2) "Food Service Establishment (FSE)." Any establishment, business or facility engaged in preparing, serving or making food available for consumption. These facilities include: restaurants, cafeterias, markets, grocery stores, hospitals, nursing homes, retirement centers, prisons, schools, churches, camps, caterers, and manufacturers. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the city or manager. Food service establishments will be classified as follows:

***Class 1:*** Deli - 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 NAICS 72213, Mobile Food Vendors as defined by NAICS 722330

***Class 2:*** Limited-Service Restaurants (a.k.a. Fast-Food Facilities) as defined by NAICS 722211 and Caterers as defined by NAICS 722320

***Class 3:*** Full-Service Restaurants as defined by NAICS 722110

***Class 4:*** Buffet and Cafeteria Facilities as defined by NAICS 72212

***Class 5:*** Institutions (Schools, Hospitals, Prisons, etc) as defined by NAICS 722310 but not to exclude self-run operations.

(3) "(Brown) grease." Fats, oils and grease that is discharged to the grease control equipment, or is from kitchen or food prep wastewater.



(4) "(Yellow) grease." Fats, oils and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc ...) and can be recycled.

(5) "Grease Control Equipment (GCE)." A device for separating and retaining wastewater FOG prior to wastewater exiting the FSE and entering the City of Chapel Hill sewer system. The GCE is so constructed as to separate and trap or hold fats, oils and grease substances from entering the City of Chapel Hill sewer system. Devices include grease interceptors, grease traps, or other devices approved by the director.

(6) "Grease interceptor." Grease control equipment identified as a large tank, usually one to two thousand (1,000-2,000) gallon capacity with proper inlet and outlet Ts, that provides FOG control for a FSE. Grease interceptors will be located outside the FSE, unless a variance request has been granted.

(7) "Grease trap." Grease control equipment identified as an "under the sink" trap, a small container with baffles, or a floor trap. For a FSE approved to install a grease trap, the minimum size requirement is the equivalent of a twenty (20) gallon per minute forty (40) pound capacity trap. All grease traps will have flow control restriction and a vent pipe.

(8) "Grease recycle container." Container used for the storage of yellow grease.

(9) "NAICS." North American Industry Classification System.

(10) "Tee or T (influent & effluent)." A T-shaped pipe extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG. Influent and effluent Ts are recommended to be made of PVC or equivalent material, and extend to within twelve to fifteen inches (12"-15") of the bottom of the interceptor.

(11) "(Black) water." Wastewater containing human waste, from sanitary fixtures such as toilets and urinals.

(12) "(Gray) water." Refers to all other wastewater other than black water as defined in this section. (Ord. #2022-001, Nov. 2022)

**18-503. Requirements.** (1) General. (a) All existing Food Service Establishments (FSEs) are required to have Grease Control Equipment (GCE) installed, maintained and operating properly.

(b) All FSEs will be required to maintain records of cleaning and maintenance of GCE. GCE maintenance records include, at a minimum, the date of cleaning/maintenance, company or person conducting the cleaning/maintenance, amount or volume of grease wastewater removed. A grease waste hauler completed manifest will meet this requirement.

(c) GCE maintenance records will be available at the FSE premises so they can be provided to City of Chapel Hill personnel or their

representative, and/or the health department. The FSE shall maintain GCE maintenance records for three (3) years.

(d) No FSE will discharge oil and grease in concentrations that exceed the City of Chapel Hill instantaneous grab limit for oil and grease.

(e) All FSEs are required to dispose of yellow grease in an approved container, where contents will not be discharged to any storm water grate, drain or conveyance. Yellow grease, or any oils or grease, poured or discharged into the FSE sewer lines or City of Chapel Hill sewer system is a violation of this chapter.

(f) Owners of commercial property will be held responsible for wastewater discharges from leaseholder on their property.

(2) New food service establishment, upgrading of existing food service establishment or change of ownership of existing food service establishment requirement. (a) Any new FSE, upgrading of an existing FSE or change of ownership of existing FSE will be required to install and maintain a grease interceptor. Food service establishments in one (1) of these categories must submit a FOG plan to the City of Chapel Hill for approval. The FOG plan includes identification of all cooking and food preparation equipment (i.e., fryers, grills, woks, etc...); the number and size of dishwashers, sinks, floor drains, and other plumbing fixtures; type of FSE classification; type of food to be served; and plans for the grease interceptor dimensions and location. The City of Chapel Hill will review the FOG plan with the grease interceptor sizing and approve, or make changes as necessary, to aid in the protection of a FOG discharge from the FSE.

(b) Existing food service establishments will be phased in to compliance through their FSE permit and a compliance schedule. The compliance schedule will be an agreed schedule, with all food service establishments coming into compliance with this policy no later than \_\_\_\_\_.

(c) Variance to grease interceptor installation. At the discretion of the manager, some FSEs may receive a variance from the required installation of a grease interceptor.

(3) Grease control equipment sizing. Minimum acceptable size of grease control equipment for each FSE Classification will be as follows:

**Class 1:** Deli, Ice Cream shops, Beverage Bars, Mobil Food Vendors - twenty (20) gallons per minute, forty (40) pound grease trap.

**Class 2:** Limited-Service Restaurants/Caterers - One thousand (1,000) gallon grease interceptor.

**Class 3:** Full-Service Restaurants - One thousand (1,000) gallon grease interceptor.

**Class 4:** Buffet and Cafeteria Facilities - One thousand five hundred (1,500) gallon Grease Interceptor.

**Class 5:** Institutions (Schools, Hospitals, Prisons, etc) - Two thousand (2,000) gallon grease interceptor.

To calculate the appropriate size GCE, the following formula will be used:

Fixture Units (total) x Facility type multiplier x 36 (retention time) = Size of Interceptor (gals.)

Should the size of the interceptor calculate to four hundred ninety-nine (499) gallons or less with the formula above:

Size of interceptor (gals.) x 0.75 (max. cap. of sink) = Flow(gpm) x hours (work day) = acceptable flow rate with retention time.

(4) Grease control equipment specifications. (a) Grease control equipment must remove fats, oils, and grease at or below the City of Chapel Hill Sewer Use Ordinance Limit for Oil and Grease. Failure to comply will require enforcement action in accordance with the City of Chapel Hill Food Service Establishment Enforcement Response Guide.

(b) Grease traps must have the Plumbing Drainage Institute certification. The minimum acceptable size is rated at twenty (20) gpm/forty (40) lbs. All grease traps will be installed as per manufacturer specifications, which include the flow restriction and venting prior to the discharge entering the grease trap. (Ord. #2022-001, Nov. 2022)

**18-504. Grease Interceptors.** (1) Piping design. (a) The inlet and outlet piping shall have two (2) way cleanout tees installed

(b) The inlet piping shall enter the receiving chamber two and one half inches (2 1/2") above the invert of the outlet piping.

(c) On the inlet pipe, inside the receiving chamber, a sanitary tee of the same size pipe in the vertical position with the top unplugged shall be provided as a turndown. To provide air circulation and to prevent "air lock," a pipe (nipple) installed in the top tee shall extend to a minimum of six inch (6") clearance from the interceptor ceiling, but not less than the inlet pipe diameter. A pipe installed in the bottom of the tee shall extend to a point of two thirds (2/3) the depth of the tank. *See illustration.*)

(d) The outlet piping shall be no smaller than the inlet piping, but in no case smaller than four inches (4") ID.

(e) The outlet piping shall extend to twelve inches (12") above the floor of the interceptor and shall be made of a non-collapsible material.

(f) The outlet piping shall contain a tee installed vertically with a pipe (nipple) installed in the top of the tee to extend to a minimum of six inch (6") clearance from the interceptor ceiling, but not less than the pipe diameter, with the top open. *See illustration.*

(2) Baffles. (a) The grease interceptor shall have a non-flexing (i.e., concrete, steel, etc.) baffle the full width of the interceptor, sealed to the walls and the floor, and extend from the floor to within six inches (6") of

the ceiling. The baffle shall have an inverted 90-degree sweep fitting at least equal in diameter size to the inlet piping, but in no case less than six inches (6") ID. The bottom of the sweep shall be placed in the vertical position in the inlet compartment twelve inches (12") above the floor. The sweep shall rise to the horizontal portion, which shall extend through the baffle into the outlet compartment. The baffle wall shall be sealed to the sweep. *See illustration.*

(b) The inlet compartment shall be two thirds (2/3) of the total liquid capacity with the outlet compartment at one third (1/3) liquid capacity of the interceptor.

(3) Access openings (manholes). (a) Access to grease interceptors shall be provided by a minimum of one (1) manhole per interceptor division (baffle chamber) and of twenty-four (24") minimum dimensions terminating one inch (1") above finished grade with cast iron frame and cover. An eight inch (8") thick concrete pad extending a minimum of twelve inches (12") beyond the outside dimension of the manhole frame shall be provided. One (1) manhole shall be located above the inlet tee hatch and the other manhole shall be located above the outlet tee hatch. A minimum of twenty-four inches (24") of clear opening above each manhole access shall be maintained to facilitate maintenance, cleaning, pumping, and inspections.

(b) Access openings shall be mechanically sealed and gas tight to contain odors and bacteria and to exclude vermin and ground water, in a manner that permits regular reuses.

(c) The manholes are to be accessible for inspection by the department.

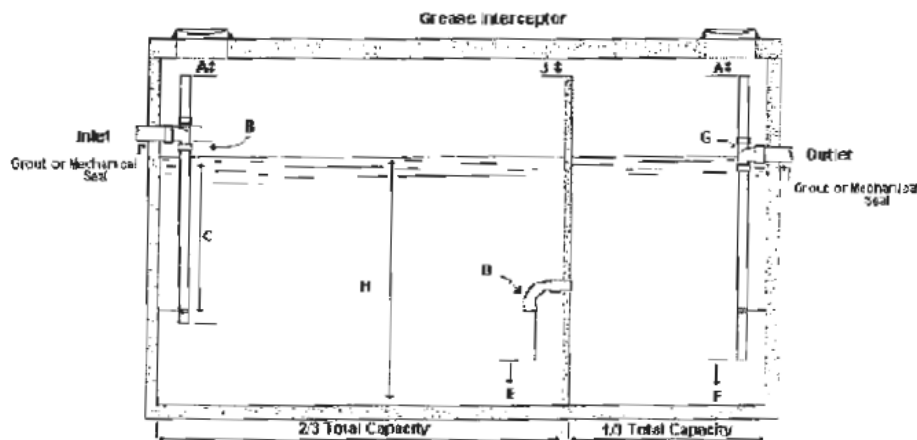
(4) Additional requirements. (a) Water tight. Precast concrete grease interceptors shall be constructed to be watertight. A static water test shall be conducted by the installer and timed so as to permit verification through visual inspection by regulatory agent. The water test shall consist of plugging the outlet (and the inlet if necessary) and filling the tank(s) with water to the tank top a minimum of twenty-four (24) hours before the inspection. The tank shall not lose water during this test period. Certification by the plumbing contractor shall be supplied to the City of Chapel Hill prior to final approval of grease control equipment.

(b) Location. Grease control equipment shall be located so as to be readily accessible for cleaning, maintenance, and inspections. They should be located close to the fixture(s) discharging the greasy wastestream.

(c) Responsibility. Removal of the grease from the wastewater routed to a public or private sanitary system, is the responsibility of the user/owner.

(d) Construction material. Grease interceptors shall be constructed of sound durable materials, not subject to excessive corrosion

or decay, and shall be water and gas tight. Each interceptor shall be structurally designed to withstand any anticipated load to be placed on the interceptor (i.e., vehicular traffic in parking or driving areas).



- A) Minimum 6", but not less than pipe diameter.
- B) Inlet pipe invert to be 2 1/2" above liquid surface.
- C) Inlet pipe to terminate 2/3 depth of water level.
- D) 90 degree sweep, minimum size - 6".
- E) 12" from floor to end of sweep.
- F) 12" from floor to end of outlet pipe.
- G) Outlet pipe no smaller than inlet pipe, minimum - 4".
- H) Maximum depth of liquid capacity - 12".
- I) Maximum distance from ceiling - 6". (Ord. #2022-001, Nov. 2022)

**18-505. Grease interceptor cleaning/maintenance requirements.**

(1) Grease interceptor minimum size will be one thousand (1,000) gallon capacity, and maximum size will be two thousand five hundred (2,500) gallon capacity. If the FSE needs additional capacity, then grease interceptors will be installed in series.

(2) Partial pump of interceptor contents or on-site pump & treatment of interceptor contents will not be allowed due to reintroduction of fats, oils and grease to the interceptor and pursuant to the Code Federal Regulation (CFR) § 403.5(b)(8), which states "*specific prohibitions*. In addition, the following pollutants shall not be introduced into a POTW: Any trucked or hauled pollutants, except at discharge points designated by the POTW."

(3) Grease interceptors must be pumped-in-full when the total accumulations of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the grease interceptor's overall liquid depth. This criterion is referred to as the "25 Percent Rule." At no time shall the cleaning frequency exceed ninety (90) days unless approved by the City of Chapel Hill. Approval will be granted on a case-by-case situation with submittal by the FSE documenting proof of proposed frequency. Some existing FSEs in

Class 2 through 5 will need to consider monthly pumping to meet this requirement.

(4) Grease interceptor effluent-T will be inspected during cleaning and maintenance and the condition noted by the grease waste hauler's company or individual conducting the maintenance. Effluent-Ts that are loose, defective, or not attached must be repaired or replaced immediately.

(5) Grease interceptors must have access manholes over the influent-T and effluent-T for inspection and ease of cleaning/maintenance. Access manholes will be provided for all separate compartments of interceptors for complete cleaning (i.e., interceptor with two main baffles or three (3) compartments will have access manholes at each compartment). (Ord. #2022-001, Nov. 2022)

**18-506. Grease trap cleaning / maintenance requirements.**

(1) *All* grease traps will have flow control restriction and vented. Failure to have flow restriction and venting will be considered a violation.

(2) Grease trap minimum size requirement is a twenty (20) gallon per minute/forth (40) pound capacity trap.

(3) Grease traps will be cleaned of complete fats, oils, and grease and food solids at a minimum of every two (2) weeks, unless less cleaning frequency is authorized by the City of Chapel Hill. If the combination of FOG and food solids content of the grease trap is greater than fifty percent (50%), then the grease trap must be cleaned every week, or as frequently as needed to prevent fifty percent (50%) of capacity being taken from FOG and food solids.

(4) Grease trap waste should be sealed or placed in a container to prevent leachate from leaking, and then disposed.

(5) Grease trap waste should not be mixed with yellow grease in the grease recycle container. (Ord. #2022-001, Nov. 2022)

**18-507. Food service establishment FOG permits and inspections.**

The City of Chapel Hill may issue FOG permits to food service establishments to control FOG discharges to the Chapel Hill sewer system, prevent obstruction and interference to the POTW, and prevent sanitary sewer overflows. Also, the City of Chapel Hill, or their authorized representative, will conduct inspections of food service establishments for grease control equipment installation and maintenance, types of food served and preparation of food, impact to the Chapel Hill sewer system, and review of best management practices. The City of Chapel Hill, or their authorized representative, has the right to enter the food service establishments' premises to determine impacts to the city sewer system. The City of Chapel Hill will conduct any additional monitoring of the food service establishment to determine compliance with the FOG management policy and the Chapel Hill Sewer Use Ordinance Title 18. (Ord. #2022-001, Nov. 2022)

**18-508. Fees.** The City of Chapel Hill may charge FOG permit, inspection or monitoring fees to the food service establishments to get

reimbursement for the FOG program costs. The basis for fees is City of Chapel Hill Sewer Use Ordinance Title 18, § \_\_\_\_\_. (Ord. #2022-001, Nov. 2022)

**18-509. "Additives" prohibition for use as grease management and control.** (1) Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria.

(2) At no time will additives be used just prior to under the sink or floor grease traps.

(3) The use of additives is prohibited with the following exceptions:

(a) Additives may be used to clean the FSE drain lines but only in such quantities that it will not cause fats, oils and grease to be discharged from the grease control equipment to the sewer system, or cause temporary breakdown of FOG that will later re-congeal in the downstream sewer system.

(b) If the product used can be proven to contain one hundred percent (100%) bacteria, with no other additives. Approval of the use of the product must come from the city and FSE must submit a full disclosure MSDS and certified sample results from the manufacturer of the product.

(4) The use of approved additives will in no way be considered as a substitution to the maintenance procedures required herein. (Ord. #2022-001, Nov. 2022)

**18-510. Enforcement action.** Enforcement action may be taken against the FSE, but is not limited to, the following reasons: failure to clean or pump grease control equipment, failure to maintain grease control equipment including inspection and installation of properly functioning effluent-T and baffles, failure to install grease control equipment, failure to control FOG discharge from the FSE, contributing to a sewer line blockage or obstruction, contributing to a sanitary sewer overflow, and use of additives in such quantities so that FOG is pushed downstream of the FSE.

(1) Fats, oils, and grease blockage in downstream manhole from FSE. If FSE inspections and field investigations by City of Chapel Hill, or their authorized representative, determine that any fats, oils and grease interference or blockage in the sewer system, a sewage pumping station, or the wastewater treatment plant is caused by a particular food service establishment, then that food service establishment shall reimburse the City of Chapel Hill for all labor, equipment, supplies and disposal costs incurred by the City of Chapel Hill to clean the interference or blockage. The charges will be added to the FSEs water/wastewater bill. Failure to reimburse the City of Chapel Hill will result in termination of water service.

(2) FSE failure to maintain GCE after notification or NOV due date. If a FSE fails to pump, clean or maintain their GCE after a noncompliance notification or notice of violation due date, the City of Chapel Hill may choose

to pump/clean the GCE to prevent additional FOG problems downstream. The FSE will be charged for the cost of pumping and maintaining the FSE's GCE at a rate of one and one-half (1.5) times the cost to the City of Chapel Hill. Mechanical failure of the GCE will be considered a violation of the City of Chapel Hill Sewer Use Ordinance which pertains to the construction and maintenance of pretreatment facilities and subject to penalties of up to ten thousand dollars (\$10,000.00)/day for each day in violation. (Ord. #2022-001, Nov. 2022)

**18-511. Violations and penalty.** Penalties will be issued as per the City of Chapel Hill, Tennessee FSE Enforcement Response Guide. (Ord. #2022-001, Nov. 2022)



**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

**1. GAS.**

**CHAPTER 1**

**GAS<sup>1</sup>**

**SECTION**

**19-101. Gas.**

**19-101. Gas.** The gas franchise agreement is for twenty-five (25) years.  
(2005 Code, § 19-101)

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<sup>1</sup>Ord. #09-07, which comprises the gas franchise agreement, is available in the recorder's office.

**TITLE 20**

**MISCELLANEOUS**

[RESERVED FOR FUTURE USE]

ORDINANCE NO. 2022-010

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

WHEREAS some of the ordinances of the Town of Chapel Hill are obsolete, and

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

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

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

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

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

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

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

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

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

Each day any violation of the municipal code continues shall constitute a separate civil offense.<sup>1</sup>

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The

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<sup>1</sup>State law reference

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

invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

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

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

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

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

Passed 1st reading NOVEMBER 14, 2022

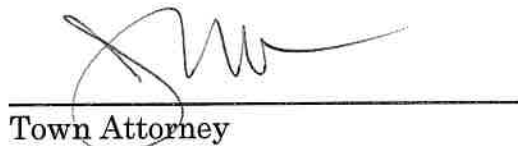
Passed 2nd reading DECEMBER 12, 2022

~~Passed 3rd reading~~ X, ~~2022~~

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Town Attorney