

**THE
CAMDEN
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

April 2000

Change 7, April 11, 2016

CITY OF CAMDEN, TENNESSEE

MAYOR

Roger Pafford

VICE MAYOR

Ford Travis Pierce

ALDERMEN

Debbie Baldwin

Randall W. Clark

Pat McLin

Richard Smith

CITY RECORDER/CITY CLERK

Phyllis Woodard

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Sandy Selvage, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY CHARTER¹**

¹The ordinance adoption procedures for the City of Camden are not set out in the city's charter but can be found in § 1-103(5) of the Camden Municipal Code.

~~ORDINANCE NO. JT2000-1~~**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF CAMDEN TENNESSEE.**

WHEREAS some of the ordinances of the City of Camden are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the City of Camden, 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 "Camden Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF CAMDEN, TENNESSEE, THAT:

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

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

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

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the

¹State law reference

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

workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of 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 city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

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

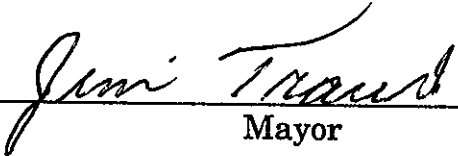
Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect 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, March 13, 2000.

Passed 2nd reading, March 13, 2000.

Passed 3rd reading and Adopted April 10, 2000.



Mayor



Recorder

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. RECORDER.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Stated and special meetings.
- 1-102. Call to order.
- 1-103. Order of business.
- 1-104. General rules of order.

1-101. Stated and special meetings. (1) Stated meetings of the council shall be held at the recorder's office on the second Monday of each month at 6:00 P.M.

(2) Special meetings of the council may be called by the mayor when he may deem it expedient. (1972 Code, § 1-101, modified)

1-102. Call to order. The presiding officer of the council shall call the members to order at the appointed hour. In absence of the presiding officer, the recorder if present, or any member of the council if the recorder is absent shall

¹Charter references

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Officers: § 4.

Powers of council: § 6.

call the members to order. Under such circumstances the council shall appoint a chairman to preside at such meeting. (1972 Code, § 1-102)

1-103. Order of business. The following regular order of business shall be observed unless dispensed with by unanimous consent of council:

- (1) Roll call by the recorder.
- (2) Reading of the minutes of the previous meeting and approval or corrections.
- (3) Communications from the mayor.
- (4) Presentation for consideration.
 - (a) Petitions, memorials, remonstrations and communications.
 - (b) Accounts and other claims against the city.
 - (c) Reports of committees and other officers.
 - (d) Ordinances, resolutions and motions.
 - (e) Old business and new business in priority of order set forth in this subsection.
- (5) Passage of all ordinances shall require the following procedure:
 - (a) Read at two sessions of the council which are conducted on two separate days.
 - (b) Any ordinances referred to a committee shall stand for final action at the session it is reported back unless it is deferred by council.
 - (c) Action will not be deferred on an ordinance reported back from a committee because it has been amended or a substitute ordinance has been reported unless such amendment or substitution is not germane to the original ordinance referred.
 - (d) All ordinances repealing or amending prior ordinances or parts thereof shall contain the title of such amended or repealed ordinance. (1972 Code, § 1-103)

1-104. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 1990 (9th) Edition, 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. (1972 Code, § 1-104, modified)

CHAPTER 2

MAYOR¹

SECTION

- 1-201. Appointment of legal counsel.
- 1-202. Appointment of committees.
- 1-203. Removal of committee members.
- 1-204. Appointment of special committees.

1-201. Appointment of legal counsel. The mayor when he deems it necessary for the welfare of the city, may employ the services of legal counsel and enter agreement, with the approval of the council, for the payment of a reasonable fee for the services of such legal assistance. (1972 Code, § 1-201)

1-202. Appointment of committees. The mayor shall appoint members of the finance, street, lights and water committees with not less than three (3) aldermen serving as members on each such committee. (1972 Code, § 1-202)

1-203. Removal of committee members. With the advise and consent of the council, the mayor may remove or change members of the standing committees and immediately replace them with other persons. (1972 Code, § 1-203)

1-204. Appointment of special committees. As the need arises, the mayor may appoint such special committees as may be authorized by council. (1972 Code, § 1-204)

¹Charter references

Duties of mayor: § 13.

Officers: § 4.

Powers of council: § 6.

Terms of officers: § 9.

CHAPTER 3**RECORDER**¹**SECTION**

- 1-301. Oath and bond.
- 1-302. General accountant.
- 1-303. Water subscribers.
- 1-304. Salary of recorder.
- 1-305. Delinquent taxpayers.

1-301. Oath and bond. The recorder before assuming the duties of his office shall solemnly swear that he will faithfully perform all of his duties as are required of him by law. He shall execute a faithful performance bond signed by two or more solvent personal sureties, or one corporate surety properly approved by the state insurance and banking commissioner in the amount of ten thousand dollars (\$10,000.00). Any premiums becoming due and payable on such corporate bond shall become an obligation of the municipality. (1972 Code, § 1-301)

1-302. General accountant. As general accountant, he shall have the following duties:

- (1) Receive and preserve all accounts, books, vouchers and papers relating to accounts, contracts, debts, revenue, and related fiscal affairs of the city.
- (2) Draw and register all warrants on the treasury for all appropriations and funds ordered paid by the council.
- (3) Have custody of the city seal and issue certified copies of all public records which are in his keeping and charge.
- (4) Collect such fees as the council may designate for the issuance of privilege license and the recording of deeds to cemetery lots.
- (5) By and with advice and consent of council, issue distress warrants to any lawful officer of the city or county. Taxes due and unpaid on the 1st day of May of each year and every year shall constitute grounds for the issuance of such distress warrant, with allowance to such officer, to be paid by the delinquent tax payer, of a fee for service as is provided in collection of delinquent state and county taxes. (1972 Code, § 1-302)

1-303. Water subscribers. The recorder shall maintain all books and records for the sale of water. Such records shall properly show the names of all

¹Charter reference

Duties of recorder: § 14.

subscribers, amounts of water used, rates, and balances due. He shall mail or deliver to each subscriber a statement of the balance due from him on the first of each month and make collections from such subscribers. (1972 Code, § 1-303)

1-304. Salary of recorder. The recorder shall receive such compensation for his services as the council may designate. (1972 Code, § 1-304)

1-305. Delinquent taxpayers. The recorder shall report to the council on October 1, of each year, a list of uncollected taxes, showing the name, description of property or polls, the amount due from each delinquent taxpayer, the aggregate of such taxes and why the same have not been paid. (1972 Code, § 1-305)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. RECREATION ADVISORY BOARD.
2. CIVIL SERVICE COMMISSION.
3. WATERWORKS AND SEWERAGE COMMISSION.

CHAPTER 1

RECREATION ADVISORY BOARD

SECTION

- 2-101. Creation, authority, purpose and title.
- 2-102. Membership and terms.
- 2-103. Officers.
- 2-104. Function.
- 2-105. Administration.
- 2-106. Compensation and funding.

2-101. Creation, authority, purpose and title. The authority to fund, create, operate and maintain parks and recreation facilities and to conduct recreation programs shall be retained by the governing body; however, pursuant to Tennessee Code Annotated, § 11-24-103(b)(1), there shall be and is hereby created an advisory body for the purpose of providing the governing body of the City of Camden, Tennessee (the "city council"), advice and guidance, and to provide a conduit for input from the general population as to the effective creation, operation and maintenance of parks and recreation facilities and/or recreation programs for said city. This body shall be named and known as the "Recreation Advisory Board" of the City of Camden. (Ord. #GWO-36, April 1997)

2-102. Membership and terms. The membership of the board shall consist of five (5) members, appointed by the mayor for staggered terms of five (5) years. At the time of the original five (5) appointments, to initiate the staggered terms, one member will be appointed for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. Thereafter, all appointments or reappointments will be for terms of five (5) years.

(1) The membership of the board shall be representative of all sections of the community, but one (1) member shall be selected from the Benton County School System.

(2) The serving mayor, park commissioner, and superintendent of parks shall serve as members ex-officio during their respective terms of office. (Ord. #GWO-36, April 1997)

2-103. Officers. At the first meeting of the board subsequent to its creation, the members shall elect from the membership a chairperson, vice-chairperson and secretary to serve their respective terms of appointment. (Ord. #GWO-36, April 1997)

2-104. Function. The affairs of the board shall be conducted in a manner determined by the city council. The board shall not be responsible for the supervision of staff, hiring for dismissal of staff, the expenditure of public funds or the promulgation or enforcement of rules and regulations governing parks and recreation facilities or programs; however, the board may advise the city council on any of these matters and act on behalf of said council, on a case by case basis, if so authorized by the governing body. (Ord. #GWO-36, April 1997)

2-105. Administration. The board shall set its own by-laws and meeting schedule in accordance with the open meeting laws of the state. Official minutes shall be recorded for each meeting, a copy of which shall be furnished to the city council at their next subsequent meeting. The department of finance and administration shall provide the board such administrative support as it may need, within the limits of its capabilities. (Ord. #GWO-36, April 1997)

2-106. Compensation and funding. All members of the board shall serve without pay; however, with prior approval of the mayor and funding by the city council, members may be reimbursed for actual expenses involved in the discharge of their official duties on behalf of the city pursuant with the city's comprehensive travel regulations. Incidental funding for operations of the board may be provided by the city council in the city's normal budgeting processes. (Ord. #GWO-36, April 1997)

CHAPTER 2

CIVIL SERVICE COMMISSION¹

SECTION

- 2-201. Establishment of a system of civil service.
- 2-202. Creation and function of commission.
- 2-203. Duties of the civil service commission.
- 2-204. Procedures on appeal.
- 2-205. Employment and tenure.
- 2-206. Dismissal.

2-201. Establishment of a system of civil service. There is hereby established for employees of the City of Camden, Tennessee, a system of personnel administration based on merit, principals and tenure of employment. That system shall govern the transfer, lay-off, removal and discipline of employees based upon merit, fitness and tenure of employment. (1972 Code, § 1-901)

2-202. Creation and function of commission. There is hereby created the "Civil Service Commission of the City of Camden, Tennessee" to be made up of five (5) citizens and residents of the City of Camden, Tennessee, over the age of eighteen (18) years, who are in no other way associated with the City of Camden, either by employment, appointment or election. Said commissioners shall be appointed by the Board of Mayor and Aldermen of the City of Camden upon the following basis:

(1) There shall be five (5) commissioners appointed by the Board of Mayor and Aldermen of the City of Camden, Tennessee.

(2) Commissioners shall be appointed for terms of four (4) years from and after the original tenure of appointment. For purposes of making the original appointment, two (2) commissioners shall be appointed for a term of two (2) years and the remaining three (3) commissioners shall be appointed for a term of four (4) years. Thereafter, said commissioners shall serve for terms of four (4) years. Terms of the civil service commissioners shall correspond with the term of office of the board of mayor and aldermen and they shall be appointed at the first meeting subsequent to the city elections. (1972 Code, § 1-902)

2-203. Duties of the civil service commission. The civil service commission shall hear all appeals of employees of the City of Camden who allege

¹Municipal code reference
Municipal personnel: title 4.

that the City of Camden, acting through its agents, have dismissed or demoted any employee for political or religious opinions or affiliations, or because of race, national origin, or any other non-merit factor. The commission shall also hear appeals wherein an employee complains of being suspended or laid-off or transferred to another department where said lay-off, suspension or transfer was made for political or religious opinions or affiliations or because of race, national origin or any other non-merit factor. If the commission finds that the employee was dismissed or demoted, transferred, suspended or laid-off without just cause, or if it should appear that said employee was dismissed, demoted or laid-off for any of the reasons enumerated above, said employee shall be reinstated without loss of pay. (1972 Code, § 1-903)

2-204. Procedures on appeals. Should any employee be suspended, laid-off or transferred, both the appealing employee and the agent, or authority of the City of Camden whose action is reviewed, shall have the right to be heard and to be present and present evidence on their behalf within fifteen (15) days after such action is taken. The hearing shall be informal in nature and the technical rules of evidence shall not apply. If the commission finds that the appealed action against the employee was taken without cause, the commission shall reduce its decision to writing and file a copy of the same in duplicate with the board of mayor and aldermen of the City of Camden. If the finding of the commission is in favor of the employee, such employee shall be immediately reinstated to his or her previous position with the City of Camden. (1972 Code, § 1-904)

2-205. Employment and tenure. The provisions of the foregoing section shall only apply to those employees of the City of Camden, Tennessee, who have been so employed for more than six (6) months. Each and every person appointed or employed to a position with the City of Camden, Tennessee shall be subject to a probationary period of employment. The probationary period shall continue for such time, not less than six (6) months, as shall be established by the board of mayor and aldermen. (1972 Code, § 1-905)

2-206. Dismissal. The board of mayor and aldermen, or its duly appointed authority or agents, may dismiss an employee for cause when it appears that the good of the department or the City of Camden will be served thereby. The employee shall be given a written notice of dismissal with the reasons therefor stated in said notice. (1972 Code, § 1-906)

CHAPTER 3

WATERWORKS AND SEWERAGE COMMISSION¹

SECTION

2-301. Creation, membership, organization, jurisdiction, etc.

2-302. Violation of commission's rules and regulations.

2-301. Creation, membership, organization, jurisdiction, etc. A waterworks and sewerage commission has heretofore been created and is hereby continued in full force and effect. Such commission shall have three (3) members who shall be appointed and organized in accordance with Tennessee Code Annotated, § 7-35-406. The board shall have jurisdiction over the city waterworks and sewerage system, but in all respects be subject to and controlled by provisions of Tennessee Code Annotated, § 7-35-406. (1972 Code, § 13-101)

2-302. Violation of commission's rules and regulations. It shall be unlawful to violate any lawful rule or regulation adopted by the waterworks and sewerage system commission. Any person, firm or corporation violating any such rule or regulation, in addition to being fined under the general penalty clause of this code, shall be subject to having his utility service discontinued in accordance with the rules and regulations of the board. (1972 Code, § 13-102)

¹Municipal code reference
Water and sewers: title 18.

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated as city judge pursuant to the city charter shall preside over the city court, and shall be known as the city judge. (1972 Code, § 1-501)

¹Charter references
Duties of recorder: § 14.
Powers of council: § 6.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition and report of fines and costs.
- 3-204. Failure or refusal to pay fine.
- 3-205. Disturbance of proceedings.
- 3-206. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket reflecting the following information:

- (1) Name of the defendant,
- (2) Name of witnesses,
- (3) The offense,
- (4) Pleas,
- (5) Date of hearing,
- (6) Finding, and the amount of the fine if such is imposed. (1972 Code, § 1-502)

3-202. Imposition of fines and costs. In all cases in which a fine is imposed, the judge shall record the same on the docket and tax such cost against the defendant as is allowed in courts of the justice of the peace for similar violations. (1972 Code, § 1-508)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over to the municipality daily. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1972 Code, § 1-511)

3-204. Failure or refusal to pay fine. Any person who has been fined by the city judge and who fails or refuses to pay his fine shall be required to perform such work for the city as may be assigned by the city judge and may be credited with two dollars (\$2.00) for each day worked and one dollar (\$1.00) per day for those days not worked. (1972 Code, § 1-507)

3-205. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making

loud or unusual noises, by using indecorous, profane, or blasphemous language, or any distracting conduct whatsoever. (1972 Code, § 1-512)

3-206. Trial and disposition of cases. The city judge is empowered to impose fines for any violation of city ordinances. He shall conduct preliminary hearings of alleged violations of state criminal laws pending before the court. In all cases in which the evidence supports probable cause of such violation, he shall bind the violator to the county grand jury under reasonable bond in all cases in which the law provides for bond. (1972 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of warrants.¹ The city judge shall have authority to issue warrants for the arrest of persons charged with violating municipal ordinances and state laws. (1972 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served upon 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. (1972 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1972 Code, § 1-505)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

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

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten days (10) next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1972 Code, § 1-509)

3-402. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

A person in custody may post a cash bond in an amount equivalent to the maximum fine that may be assessed, with either the judge or the presiding police officer. If such police officer receives a cash bond, he shall in all cases prepare a receipt in duplicate, furnishing the original to the person posting bond, and deliver the cash received and duplicate receipt to the recorder within twenty-four (24) hours. Persons posting cash bonds who fail to appear at his hearing shall forfeit such bond to the court.

An appeal bond shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee, or by two (2) private persons who individually own real property located within the county. (1972 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

1. SOCIAL SECURITY.
2. VACATIONS, SICK LEAVE, AND COMPENSATION FOR INJURED EMPLOYEES.
3. DRUG AND ALCOHOL TESTING.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL REIMBURSEMENT REGULATIONS.
6. EMPLOYEE'S RETIREMENT PROGRAM.

CHAPTER 1

SOCIAL SECURITY

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Camden, Tennessee, to extend as of January 1, 1951, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1972 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as

¹Municipal code reference

Civil service commission: title 2, chapter 3.

agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1972 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1972 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1972 Code, § 1-704)

4-105. Records and reports to be made. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1972 Code, § 1-705)

4-106. Exclusions. (1) There is hereby excluded from this chapter any authority to make any agreement with respect to any position or employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city, (or any employee or official excluded by federal or state laws or regulations.) There is hereby further excluded from this chapter any authority to make any agreement with respect to employees rendering emergency services, employees rendering services in part-time and fee basis positions, and elective officials engaged in rendering legislative, executive and judicial services as classifications of employees and officials of all departments of city government.

Effective January 1, 1961, the mayor is hereby authorized and directed to make and enter into a supplement to the agreement of October 12, 1953 so as to extend the benefits of the System of Federal Old-Age and Survivors Insurance to include those employees and officials of said classifications.

(2)¹ The mayor is hereby directed to amend the social security agreement between the State Old Age and Survivors Insurance Agency and the City of Camden, Tennessee so as to exclude services of election officials and election workers if the remuneration paid in a calendar year is less than \$100, to be effective not earlier than the last day of the calendar quarter in which a

¹Ordinance #EWJ-16-A amended this chapter but did not specify which section. This subsection was added to exclusions as the amendment deals with further exclusions.

modification to the agreement is mailed to the Social Security Administration, pursuant to provisions of federal law and regulations. (1972 Code, § 1-706, as amended by Ord. #EWJ-16-A, March 1988)

CHAPTER 2

VACATIONS, SICK LEAVE, AND COMPENSATION FOR INJURED EMPLOYEES

SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave.
- 4-204. Elective officers, sick leave.
- 4-205. Leave records.
- 4-206. Part-time employees not entitled to leave.
- 4-207. Compensation for employees injured in the line of duty.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees. (1972 Code, § 1-801)

4-202. Vacation leave. During each calendar year, all officers and employees who have served the City of Camden for more than one (1) year and less than five (5) years shall receive forty (40) hours vacation with full compensation. Any employee who has served the city for five (5) years or more shall receive eighty (80) hours vacation with full compensation. Any employee who has served the city for ten (10) years or more shall receive one-hundred twenty (120) hours vacation with full compensation. Any employee who has served the city for twenty (20) years or more shall receive one-hundred sixty (160) hours vacation with full compensation. Vacations are not cumulative and shall be taken during the year in which they occur, or same shall be waived. Legal holidays and regularly scheduled days off do not constitute a part of their vacations. (1972 Code, § 1-802, as amended by Ord. #HK-4, Sept. 1991)

4-203. Sick leave. It appears that the city employees who have served the City of Camden for one (1) year or more shall be entitled to twelve (12) days sick leave with full compensation. The employees are not eligible to accrue sick pay benefits until the successful completion of the first year of employment. Employees will be eligible to accrue one (1) sick day per month. Sick leave not taken shall be cumulative with no maximum number of days employees can accumulate. Upon an employee being eligible for retirement, said employee shall be entitled to accelerate the retirement date by the number of accumulated sick leave days the employee has accumulated. All sick leave will be supervised by the board, mayor, and alderpersons and is hereby authorized to promulgate and adopt rules, regulations, and sick leave policies as the board deems necessary and proper from time to time. (Ord. #HK-5, Sept. 1991, modified, as amended by Ord. #EWJ-01-2012-2, April 2012)

4-204. Elective officers, sick leave. Should any elective officer be absent from duty because of sickness for more than sixty (60) days, his salary shall cease and shall not be renewed or reinstated until he returns to active duty, except absence from duty for injuries or sickness caused by injuries arising in the line of duty. (1972 Code, § 1-804)

4-205. Leave records. The recorder shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter. (1972 Code, § 1-805)

4-206. Part-time employees not entitled to leave. Part-time employees and temporary officers are expressly excluded from benefit of vacation and sick leave. (1972 Code, § 1-806)

4-207. Compensation for employees injured in the line of duty. Any regularly employed person of the City of Camden who has been so employed for more than six (6) months and who shall be injured while performing his duties as an employee of the city and who is required to be off from work due to said injuries shall be entitled to draw his full salary for a period of sixty (60) days from date of injury, and thereafter said employee shall draw Workman's Compensation benefits only. During said sixty (60) days period the employee shall assign his Workman's Compensation benefits to the City of Camden in order to receive the full salary benefits provided herein. (1972 Code, § 1-807)

CHAPTER 3

DRUG AND ALCOHOL TESTING

SECTION

4-301. City adopts a drug and alcohol testing policy.

4-302. Drug and alcohol policy.

4-301. City adopts a drug and alcohol testing policy.¹ The City of Camden through its board of mayor and aldermen, does hereby adopt a policy to provide for the random drug and alcohol testing of all city employees who hold a commercial driver's license from the division of transportation. Said drug testing shall be conducted by the city clerk or one of her designates upon request of the various department heads. (Ord. #GWO-30, Aug. 1996)

4-302. Drug and alcohol policy. The city is committed to maintaining the safety and health of its employees and to protect the public from risks which result from employee drug or alcohol induced behavior. The city will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the city's reputation. Employees are prohibited from the use, possession and sale of drugs, alcohol or any other controlled substance on city property or in city vehicles. Employees must be free from drug or alcohol dependence, illegal drug use, or drug/alcohol abuse while on duty. (as added by Ord. #RP-09142015-2, Oct. 2015)

¹A complete copy of the drug and alcohol testing policy is of record in the office of the recorder.

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.

4-401. Title. This section shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Camden, Tennessee. (Ord. #GWO-21, April 1995, as replaced by Ord. #JT2002-3, Aug. 2002)

4-402. Purpose. The City of Camden, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Make, keep, preserve and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Ord. #GWO-21, April 1995, as replaced by Ord. #JT2002-3, Aug. 2002)

4-403. Coverage. The provisions of the occupational safety and health program for the employees of the City of Camden shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Camden whether part-time or full-time, seasonal or permanent. (Ord. #GWO-21, April 1995, as replaced by Ord. #JT2002-3, Aug. 2002)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Camden are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee

Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (Ord. #GWO-21, April 1995, as replaced by Ord. #JT2002-3, Aug. 2002)

4-405. Variances from standards authorized. The City of Camden may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Camden shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Camden shall be deemed sufficient notice to employees. (Ord. #GWO-21, April 1995, as replaced by Ord. #JT2002-3, Aug. 2002)

4-406. Administration. For the purpose of this chapter, (Name of Office) Gary Farmer is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer City of Camden. The director shall develop a plan of operation¹ for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #GWO-21, April 1995, as replaced by Ord. JT2002-03, Aug. 2002)

4-407 Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of Camden. (Ord. #GWO-21, April 1995, as replaced by Ord. #JT2002-3, Aug. 2002)

¹The plan of operation has been added as Appendix A to the Camden Municipal Code and placed behind the parallel reference table. See page APPA-1.

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-501. Purpose.
- 4-502. Enforcement.
- 4-503. Travel policy.
- 4-504. Travel reimbursement rate schedule.
- 4-505. Administrative procedures.

4-501. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #GWO-2, Sept. 1993)

4-502. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #GWO-2, Sept. 1993)

4-503. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city 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 city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the 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 city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the 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 city 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 won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #GWO-2, Sept. 1993)

4-504. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #GWO-2, Sept. 1993)

4-505. Administrative procedures. The city 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, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #GWO-2, Sept. 1993)

CHAPTER 6

EMPLOYEE'S RETIREMENT PROGRAM

SECTION

4-601. Tennessee Consolidated Retirement System.

4-601. Tennessee Consolidated Retirement System. The employees of all departments of the City of Camden shall be eligible to participate in the Tennessee Consolidated Retirement System pursuant to resolutions adopted by the city council.¹

¹Resolutions are available for inspection in the office of the recorder.

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. LOCAL SALES TAX.
5. PURCHASING AND PROCUREMENT.

CHAPTER 1

PROPERTY TAXES²

SECTION

- 5-101. When due and payable.
 5-102. When delinquent--penalty and interest.

5-101. When due and payable.³ The assessed taxes on all real estate, personalty, or mixed property and all damages and costs accruing thereon levied by the City of Camden hereunder shall constitute a first lien upon such property from the tenth of January of each and every year, for the taxes for that year and shall so remain until the taxes, penalties, interest and cost are paid, whether a bill be filed to collect the same or not. (1972 Code, § 6-101)

¹Charter references

Delinquent taxes: § 17.

Liability of recorder and marshal for taxes: § 18.

²Municipal reference

Board of city tax equalization: title 4.

Tax assessor: title 2.

³State law references

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

5-102. When delinquent--penalty and interest.¹ All municipal taxes shall be due and payable on the first Monday in October of each year. Such tax shall bear interest and in addition a penalty of one half of one percent (1/2%) from the first day of March following the first Monday in October in the same manner now provided for collection of delinquent state and county taxes.

The recorder with the advice and consent of the city attorney, shall have authority to institute and prosecute proceedings for the collection of delinquent municipal taxes. Such authority shall be equivalent to the law for collection of delinquent state and county taxes. General laws relating to the collection of delinquent state and county taxes, and general laws relating to the collection of delinquent municipal taxes are hereby adopted and made a part of this chapter, the same as if copied herein at length.² (1972 Code, § 6-102)

¹Charter and state law reference

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

²Charter and state law references

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

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

CHAPTER 2**PRIVILEGE TAXES****SECTION**

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. The taxes provided in Public Acts 1971, ch. 387, and any amendments thereto, known as the "Business Tax Act" are hereby enacted, ordained and levied on the business, business activities, vocation or occupations doing business or exercising a taxable privilege, as provided by said act in the City of Camden at the rate and in the manner prescribed by said act with the exception of the minimum payment tax for exterminators or contractors other than public road contractors. The minimum tax for exterminators and contractors other than public road contractors will be fifteen dollars (\$15.00) per annum. The proceeds of the privilege tax herein levied shall accrue to the general fund of the city. (1972 Code, § 6-201)

5-202. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1972 Code, § 6-202)

CHAPTER 3**WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

5-301. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1972 Code, § 6-301)

¹State law reference

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

CHAPTER 4

LOCAL SALES TAX

SECTION

5-401. Authorization of tax.

5-402. Collection of tax.

5-403. Suits for illegally collected tax.

5-401. Authorization of tax. There is hereby levied by and for the municipality of Camden, Tennessee a tax in the same manner and on the same privileges subject to the Retailers Sales Tax Act, Tennessee Code Annotated, title 67, ch. 30, as the same may be amended, which are exercised in Camden, Tennessee. The tax is levied on all such privileges at a rate of "one-sixth" (1/6) the rate levied in the Retailers Sales Act, Tennessee Code Annotated, title 67, ch. 38, provided the tax shall not exceed two and one half (2 1/2) dollars on the sale or use of any single article of personal property and there is excepted from the tax levied by this chapter the sale, purchase, use consumption or distribution of electric power or energy, natural or artificial gas, coal or fuel oil. Penalty and interest for delinquency shall be the same as provided in Tennessee Code Annotated, § 67-30-26. (1972 Code, § 6-501)

5-402. Collection of tax.¹ It having been determined by the Department of Revenue of the State of Tennessee that it is feasible for this tax to be collected by that department, said determination being evidenced by Local Option Sales and Use Tax Rules and Regulations theretofore promulgated to the department of revenue, the department shall collect such tax concurrently with the collection of the state tax in the same manner as the state tax is collected in accordance with rules and regulations promulgated by said department. The recorder is authorized to contract with the department of revenue for the collection of the tax by the department, and to provide in such contract that the department may deduct from the tax collected a reasonable amount or percentage covering expenses of the administration and collecting of said tax. (1972 Code, § 6-502)

5-403. Suit for illegally collected tax. In the event said tax is collected by the department of revenue, suits for the recovery of any taxes illegally assessed or collected shall be brought against the Mayor of the City of Camden. (1972 Code, § 6-503)

¹Municipal code reference
General accountant: § 1-302.

CHAPTER 5

PURCHASING AND PROCUREMENT

SECTION

- 5-501. Purpose.
- 5-502. Definitions.
- 5-503. General provisions.
- 5-504. Sole source procurement.
- 5-505. Emergency procurement.
- 5-506. Real property procurement.
- 5-507. Electricity, natural gas and telephone services.
- 5-508. Fuel (gasoline and diesel) procurement.
- 5-509. Professional services contracts.
- 5-510. Insurance contracts.
- 5-511. Intergovernmental purchasing.
- 5-512. Contractual services from non-profit groups.
- 5-513. Purchases of less than \$1,000.00.
- 5-514. Purchases of less than \$2,500.00 but over \$1,000.00.
- 5-515. Purchases of less than \$10,000.00 but over \$2,500.00.
- 5-516. Purchases of more than \$10,000.00.
- 5-517. Limitations and penalties.

5-501. Purpose. This regulation will implement the standard operating procedure for the orderly, timely and responsible purchase and procurement of supplies, materials, and equipment for the activities of the city to insure the proper use of the public funds of the city as authorized by Tennessee Code Annotated, which is entitled the "Municipal Purchasing Law of 1983." (Ord. #MPW-10, June 1992)

5-502. Definitions. For the purposes of this regulation, the following definitions shall apply:

(1) "Purchasing agent." The person designated by the mayor as responsible for the implementation of this regulation, and who shall exercise supervision over all purchasing and procurement of all supplies, materials, equipment and/or services, as well as property control and inventory for supplies, materials, equipment or services for the City of Camden, or, failing such designation, the mayor him/herself.

(2) "Purchase." The act of procuring supplies, materials, equipment and/or services in exchange for money where title will vest in the city.

(3) "Lease." The act of procuring the use of supplies, materials, equipment and/or services in exchange for a periodic payment of money where title will not vest in the city.

(4) "Lease/purchase." The act of procuring the use and ownership of supplies, materials, equipment and/or services by the means of periodic payments of money, where title will vest in the town at a pre-agreed point in time, when certain monetary conditions have been met.

(5) "Request for quotation." The form prescribed by the purchasing agent to invite competitive bids from prospective suppliers for supplies, materials, equipment or services (same as invitation to bid), or the act of soliciting a quotation.

(6) "Purchase order." The form prescribed in certain instances by the purchasing agent for the procurement, lease or lease/purchase of supplies, materials, equipment or services.

(7) "Contract." A formal, written agreement between the City of Camden and the provider of supplies, materials, equipment or services to the city.

(8) "Competitive bidding." The process of obtaining price quotations from various sources for required supplies, materials, equipment or services by use of standardized specifications and invitations to submit quotations for same.

(9) "Invitation to bid." The procedure of submitting request for quotations to various sources for the proposed procurement of supplies, materials, equipment or services. (Same as invitation to submit quotation.)

(10) "Public advertisement." The act of placing an advertisement in the city's official newspaper, or other media as may be required, announcing the intent of the city to purchase supplies, materials, equipment or services, and inviting public participation by submission of competitive bids. (Ord. #MPW-10, June 1992)

5-503. General provisions. (1) The mayor shall be responsible for controlling the expenditures of the various agencies of the city government to accomplish maximum efficiency and economy.

(2) The recorder/director of finance shall be designated as the Purchasing Agent of the City of Camden, under the supervision of the mayor, who shall, in the absence of the purchasing agent, act in that capacity.

(3) The purchasing agent shall be responsible for the implementation and maintenance of the city's purchasing and procurement program, and shall prescribe such forms as may be required for administration of the program.

(4) The office of the director of finance shall be designated as the purchasing office of the city.

(5) Except as set forth hereinbelow, all proposed purchases or procurements shall be with the prior review of the purchasing agent to insure that all such actions are within the budgetary limitations of the activity concerned and that funds are available to make payment for same.

(6) Each department supervisor is designated as the person responsible for the purchasing and procurement activities of his or her respective department and for coordination with the city's purchasing agent.

(7) No funds shall be obligated by any official or employee of the city except those herein designated. (Ord. #MPW-10, June 1992)

5-504. Sole source procurement. Any goods or services which may not be procured by competitive means because of the existence of a single source or because of a proprietary product shall be exempt from the competitive bidding process; however, the procurement of such goods or services will be with the prior written approval of the mayor. Further, a record of all such purchases shall be made by the purchasing agent which shall contain a list of those items so procured, the prices paid, the source from which procured, and the justification for the sole source procurement. The data in this report shall be furnished the board at its next subsequent meeting.

Where a department of the city government has established a particular model/type of equipment for a specified application, subsequent additions to that system or parts required for maintenance and repair thereto, shall be classified as sole source procurement to insure that the integrity of the system is maintained. (Ord. #MPW-10, June 1992)

5-505. Emergency procurement. Competitive bidding procedures may be waived for purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work; however, the emergency procurements of such items will be with the prior written approval of the mayor. A record of all such purchases shall be made by the purchasing agent which shall contain a list of the items so procured, the prices paid, the source(s) from which procured, and the justification for the emergency procurement. The data contained in this report shall be furnished the board at its next subsequent regular meeting. (Ord. #MPW-10, June 1992)

5-506. Real property procurement. Purchases, leases or lease-purchase of real property are exempt from the competitive bidding process. The price or consideration for such procurements shall be negotiated subject to the final approval of the board. (Ord. #MPW-10, June 1992)

5-507. Electricity, natural gas and telephone services. All electrical, natural gas and telephone and related services provided the city by regulated industries are exempt from the competitive bidding procedure. (Ord. #MPW-10, June 1992)

5-508. Fuel (gasoline and diesel) procurement. Procurement of regular, leaded gasoline shall be by the competitive bidding process. The procurement of high-test, unleaded gasoline and diesel fuels shall be exempt from the bidding process until such time as the city obtains its own bulk fuel

storage tanks for these fuels, or the local suppliers agree to furnish 1,000 gallon storage facilities when they are the successful bidder. (Ord. #MPW-10, June 1992)

5-509. Professional services contracts. Contracts for legal services, fiscal agents, auditors, financial advisors or advisory services, educational consultants, engineer consultants, and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded by the board on the basis of recognized competence and integrity through review of past performance and interviews with prospective contractees, subject to a review of all such contracts by the city's attorney. (Ord. #MPW-10, June 1992)

5-510. Insurance contracts. (1) Insurance for various entities of the city's government which is procured through a plan authorized and approved by any organization of governmental entities representing cities, towns and counties, such as, but not limited to, the Tennessee Municipal League Insurance Pool, may be contracted for without public advertising, competitive bidding, or invitation to submit quotations. All contracts awarded for such insurance shall be subject to approval of the board.

(2) Insurance for various entities of the city's government which are procured through private or for-profit entities, such as commercial insurance companies, for casualty, liability, inland marine, property, life and health and accident insurances, will be obtained by public advertisement and/or invitations to submit proposals. All contracts awarded for such insurance shall be subject to approval of the board.

Insurance policies thus contracted will usually be for a term of three (3) years, with annual premium adjustments as approved by the board. (Ord. #MPW-10, June 1992)

5-511. Intergovernmental purchasing. (1) Purchases by the city of supplies, materials, equipment and/or services for other local governmental entities may be made upon request from said entities; however, the procurement shall be made on the same terms and under the same rules and regulations as regular purchases by the city. The cost of all such purchases shall be borne by the requesting entity.

(2) Purchases by the city of supplies, materials, equipment and/or services from or through any centralized purchasing or procurement agency of any local governmental entity, or of the state or federal government shall be without public advertising or competitive bidding. (Ord. #MPW-10, June 1992)

5-512. Contractual services from non-profit groups. Contracts for supplies, materials and/or services from non-profit corporations, such as, but not limited to, the local government data processing corporations, whose purpose,

or one of whose purposes, is to provide goods or services specifically to municipalities shall be exempt from public advertising or competitive bidding. (Ord. #MPW-10, June 1992)

5-513. Purchases of less than \$1,000.00. Supplies and materials, the total cost of which does not exceed \$1,000.00, and which are required for day-to-day operations, maintenance and repairs in and by the various departments and agencies of the city may be purchased or procured directly from those firms or businesses where the city maintains accounts by the department or activity supervisor concerned so long as such purchases or procurements are within the budget limitations of the department or activity concerned. (Ord. #MPW-10, June 1992, as amended by Ord. #98-12, Nov. 1998)

5-514. Purchases of less than \$2,500.00 but over \$1,000.00. Purchase, procurement, lease and/or lease-purchase agreements for supplies, materials, equipment and/or services which will cost in the aggregate more than \$1,000.00 but less than \$2,500.00 shall be exempt from public advertising and/or formal competitive bidding.

(1) Purchase or procurement of such items shall be made through the use of telephonic or personal request for quotation of price for same, utilizing the form prescribed by the purchasing agent. Such purchases or procurements may be made by the supervisor of the department of activity concerned, subject to a review of the quotations and determination of budget limitations, if any, and the written approval of the mayor.

(2) Upon approval of the quotation, the purchasing agent shall issue a purchase order for same. (Ord. #MPW-10, June 1992, as amended by Ord. #98-12, Nov. 1998)

5-515. Purchases of less than \$10,000.00, but over \$2,500.00. Purchases, procurement, lease and/or lease-purchase agreements for supplies, materials, equipment and/or services consisting of less than \$10,000.00 but more than \$2,500.00 shall be by competitive bids from at least three (3) different sources where possible; however, public advertisement shall not be required. This exemption shall not apply to purchases of like items which individually cost less than \$10,000.00, but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed \$10,000.00 during any fiscal year.

(1) The supervisor of the department of activity requiring the purchase or procurement of such items shall submit details of the supplies, materials, equipment and/or services to be procured, to include technical specifications where required, to the mayor for his/her approval. Upon the approval of the mayor and subject to budget allocations and availability of funds, the purchasing agent shall issue the appropriate invitations to submit bids or quotations, which shall contain all relevant data as to the city's bidding process and reservations

of the right to accept or reject bids, including specific data as to the bid opening time and procedure.

(2) All qualified bids or quotations received shall, at the specified time and place, be publicly opened and the results read aloud. Upon acceptance and approval of a bid by the mayor, the purchasing agent shall issue the appropriate purchase orders. (Ord. #MPW-10, June 1992, as amended by Ord. #98-12, Nov. 1998, modified)

5-516. Purchases of more than \$10,000.00. The purchase or procurement of supplies, materials, equipment, and/or services which individually cost more than \$10,000.00, or, if when normally procured in lots of two (2) or more during any fiscal year total more than \$10,000.00, shall be subject to competitive bidding and public advertisement.

(1) The supervisor of the department or activity requiring the purchase or procurement of such items shall submit details of the supplies, materials, equipment and/or services to be obtained, to include technical specifications where necessary, to the mayor for his/her approval. Upon approval by the mayor, and subject to budget allocations and availability of funds, the mayor shall refer the request for such purchase or procurement to the board for their review and approval.

(2) Upon approval of the proposed purchase or procurement by the board, the purchasing agent shall issue the appropriate invitations to submit bids or quotations and place the required public advertisement in the city's official newspaper, and such other media as may be appropriate, which shall contain all relevant data as to the city's bidding process and reservations as to acceptance or rejection of bids, including specific information as to the bid opening time and procedure.

(3) All qualified bids, quotations and/or proposals (here-in-after referred to collectively as "bids") received in response to an advertisement and/or invitation to submit bids, shall at the time and place as indicated in the public notice and/or solicitation of bids, which shall normally be during regular office hours and in the board room of the Camden City Hall, be publicly opened by the mayor or his/her designated representative and the results read aloud. Thereupon, the official conducting the bid opening shall make a statement declaring the apparent low bidder, and informing all persons present that all duly qualified bids will be accepted for tabulation, review of all bid documents for compliance with advertised specifications, and referral to the city board at their next subsequent regular meeting for their review, approval or disapproval, and the authorization of any procurement contracts. A minimum of three (3) officials of the city shall be present at all public bid openings. The appropriate official of the city shall record the minutes of all such public bid openings, which shall be filed with the appropriate procurement documentation. (Ord. #MPW-10, June 1992, as amended by Ord. #98-12, Nov. 1998, modified)

5-517. Limitations and penalties. (1) All purchases made from funds of the city shall be made within the limits of the approved budgets and within the appropriation of the department, agency or activity for which the purchase is made.

(2) No obligation of funds of the city shall be made except in compliance with the provisions of this chapter, or of the city's charter.

(3) All formal contract documents entered into by the city shall be reviewed by the city attorney prior to final execution.

(4) Any contract or agreement made in violation of the provisions of this chapter, the city charter, or other ordinances of the city shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder may be liable to the city for the full amount. (Ord. #MPW-10, June 1992)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST¹

SECTION

- 6-101. Department, organization.
- 6-102. Chief of police, duties.
- 6-103. Additional police.
- 6-104. Authority of police to arrest.
- 6-105. Salaries of department members.
- 6-106. Members to execute oath and bond.
- 6-107. Authority to enter private property.

6-101. Department, organization. The police department shall consist of a chief of police and such other members as may be appointed by the mayor. (1972 Code, § 1-401)

6-102. Chief of police, duties.² The chief of police shall have the following duties:

- (1) Maintain peace and order,
- (2) Abate all nuisances,
- (3) Apprehend and arrest violators of the law,
- (4) Serve warrants, subpoenas and other process and make proper returns thereon,
- (5) Serve as ex-officio superintendent of the streets,
- (6) Act as prosecutor in all cases before the city court,
- (7) Supervise other members of the department. (1972 Code, § 1-402)

¹Municipal code reference

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

²Charter reference

Duties of the marshal: § 15.

6-103. Additional police. All additional police shall be appointed in accordance with the charter. They shall serve under the supervision of the chief of police and assist him in the preservation of peace and order. (1972 Code, § 1-403, modified)

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

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1972 Code, § 1-404)

6-105. Salaries of department members. The members of the police department shall receive such compensation as the council shall direct. (1972 Code, § 1-405)

6-106. Members to execute an oath and bond. Any person upon being appointed a member of the police department shall subscribe to an oath to faithfully and impartially discharge his duties as a member of the police department. Such member shall execute a bond in the amount and form prescribed by council. (1972 Code, § 1-406)

6-107. Authority to enter private property. City law enforcement officers shall be authorized to enter upon private parking lots and other private property for the purpose of enforcing the traffic regulations of the City of Camden and the State of Tennessee in accordance with the authority granted under Tennessee Code Annotated, § 55-8-101. (Ord. #EWJ-20-A, Aug. 1988)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIREWORKS.
5. MISCELLANEOUS.

CHAPTER 1

FIRE DISTRICT

SECTION

- 7-101. Fire limits.
7-102. Rural fire service.

7-101. Fire limits. The entire area of the municipality constitutes the corporate fire limits of the city. (1972 Code, § 7-101)

7-102. Rural fire service. The governing body of the municipality shall establish by resolution a rural fire service district and the city is hereby authorized to use the equipment of the fire department for fighting fires outside the corporate limits of the city. The governing body of the municipality is hereby authorized to adopt a rural fire service policy setting the subscription fees and charges for such services. The mayor and city recorder are hereby authorized to enter into individual contracts with the residents and citizens who own or rent property in the fire district. (1972 Code, § 7-102)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Available in recorder's office.
- 7-203. Enforcement.
- 7-204. Definition of "municipality."
- 7-205. Storage of explosives, flammable liquids, etc.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,² 2006 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1972 Code, § 7-201, modified, as amended by Ord. #JT-01-2005-01, Feb. 2005, and Ord. #AW2010-01, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

7-202. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1972 Code, § 7-202, as repealed and replaced by Ord. #AW2011-05, July 2011)

7-203. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1972 Code, § 7-203, as repealed and replaced by Ord. #AW2011-05, July 2011)

7-204. Definition of "municipality." Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

the City of Camden, Tennessee. (1972 Code, § 7-204, as repealed and replaced by Ord. #AW2011-05, July 2011)

7-205. Storage of explosives, flammable liquids, etc. (1) The limits referred to in the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this title.

(2) The limits referred to in the International Fire Code, in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this title.

(3) The limits referred to in the International Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this title.

(4) The limits referred to in the International Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this title. (1972 Code, § 7-205, as repealed and replaced by Ord. #AW2011-05, July 2011)

7-206. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1972 Code, § 7-207, as repealed and replaced by Ord. #AW2011-05, July 2011)

7-207. Variances. The chief of the volunteer fire department may recommend to the council variances from the provisions of the fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the council. (1972 Code, § 7-208, as repealed and replaced by Ord. #AW2011-05, July 2011)

7-208. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the council of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (as added by Ord. #AW2011-05, July 2011)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure of members.

7-306. Chief responsible for training.

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

7-308. Mandatory retirement.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the council of this municipality. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a chief appointed by the council and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1972 Code, § 7-301)

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

- (1) To prevent uncontrolled fires.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1972 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1972 Code, § 7-303)

7-304. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written

¹Municipal code reference

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

report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1972 Code, § 7-304)

7-305. Tenure of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the council; however, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the council. (1972 Code, § 7-305)

7-306. Chief responsible for training. The chief of the volunteer fire department, shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1972 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the volunteer fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1972 Code, § 7-308)

7-308. Mandatory retirement. Fire department personnel who have reached the age of seventy years shall be required to retire as active members of the fire department. (as added by Ord. #JT-2005-6, Aug. 2005)

CHAPTER 4**FIREWORKS****SECTION**

7-401. Fireworks.

7-401. Fireworks. It shall be unlawful for any person, firm or corporation to sell or offer for sale any type of fireworks, or toy cannons within the city except sparklers, toy pistols and caps, or like fireworks that can be fired within a room. It shall be unlawful to fire or light any fireworks upon the streets of the city or within the open lots near any business house or residence within the city, except with the advance permission of the mayor. (1972 Code, § 7-401)

CHAPTER 5

MISCELLANEOUS

SECTION

7-501. Color coding of fire hydrants.

7-501. Color coding of fire hydrants. (1) The city does hereby adopt the following color coding procedures for fire hydrants:

(a) Fire hydrants with flow available at a residual pressure of twenty pounds per square inch shall be designated as Class AA hydrants and be color coded blue.

(b) Fire hydrants with available flow of 1,000 - 1,499 gallons per minute with pressure of twenty pounds per square inch shall be designated as Class A fire hydrants and color coded green.

(c) Fire hydrants with available flow of 500 - 999 gallons per minute with pressure of twenty pounds per square inch shall be designated as Class B fire hydrants and color coded orange.

(d) Fire hydrants with 0 - 499 gallons per minute with pressure of twenty pounds per square inch shall be designated as Class C fire hydrants and color coded red.

(2) The city's engineers shall update the system's maps to indicate the location of the various classified fire hydrants. A copy of this chapter and the map shall be furnished to each of the fire departments within the county and any of those fire departments having reciprocal agreements with the city outside the county for their use in identifying the various classifications of fire hydrants. (as added by Ord. #JT2003-2, Oct. 2003)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. State laws to be complied with.
- 8-102. Alcoholic beverages subject to regulation.
- 8-103. Specific rules governing retail package stores.
- 8-104. Specific rules governing on-premise consumption.

8-101. State laws to be complied with. No association, corporation, firm, partnership, or person shall engage in the wholesale, retail or on-premises consumption ("liquor by the drink") liquor business unless all the necessary state licenses and permits have been obtained. (1972 Code, § 2-101, as replaced by Ord. #EWJ12-10-2012-01, Jan. 2013)

8-102. 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 the City of Camden except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #EWJ12-10-2012-01, Jan. 2013)

8-103. Specific rules governing retail package stores. (1) Application for certificate of good moral character. Before any character certificate as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any alderman, an application in writing shall be filed with the city recorder on a form to be provided by the City of Camden, giving, inter alia, the following information:

¹Municipal code references

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

Minors in beer places: § 11-102.

State law reference

Tennessee Code Annotated, title 57.

- (a) Name, age and address of applicant.
- (b) Number of years residence in Benton County.
- (c) Occupation or business and length of time engaged in such occupation or business.
- (d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (e) If employed, the name and address of employer.
- (f) If in business, the kind of business and location thereof.
- (g) The location of the proposed store for the sale of alcoholic beverages.
- (h) The name and address of the management of the store.
- (i) If the applicant is a partnership, the name, age and address of each partner, and his or her 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.

Each application shall be accompanied by a non-refundable investigation fee of two hundred fifty dollars (\$250.00).

An application for certificate of compliance must be submitted by all owners, partners, stockholders and directors of the store, whether same is a firm, partnership or corporation shall be grounds for the denial of the certificate of compliance and/or the revocation of the certificate of compliance. No applicant shall apply individually, as a member of a partnership, or as stockholder, officer or director on more than one (1) application, or hold any interest in more than one (1) permit at the same time.

A copy of each application for, questionnaire, partnership agreements or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with the same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. The information in the application shall be verified by the oath of the application. 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. All applications submitted in accordance with this chapter shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting.

(2) Applicant to agree to comply with laws. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages.

(3) Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character 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. Before the issuance of any character certificate or a renewal of the same, an applicant may be required

to tender requested documentation for review and/or inspection by the board of mayor and aldermen.

(4) Action on application. Every application for a certificate of good moral character shall be referred to the chief of police for investigation and to the city recorder for review, who shall submit their findings to the board of mayor and aldermen.

The mayor or a majority of the board of mayor and aldermen may, in its sole discretion, issue a certificate of moral character to any qualified applicant.

(5) Residency requirements. The applicant for a certificate of good moral character shall have been a bona fide resident of Benton County, Tennessee for not less than two (2) years prior to the time the application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of Benton County, Tennessee not less than two (2) prior years to the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated.

(6) 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 city. 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.

(7) Where establishment 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 city except at locations zoned for that purpose, (which include B-1 and B-2) but in no event shall any establishment be located within three hundred feet (300') of a hospital, church, school, day care, public library, or any public park, measured in a straight line between the nearest point in the property line upon which sits the building from which alcoholic beverages will be sold, stored or distributed, and the nearest point on the property line of the hospital, school, church, day care, or public park.

(8) Limitation on number of retailers. No more than three (3) retail licenses for the sale of alcoholic beverages shall be issued by the City of Camden under this chapter.

(9) Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, pinball machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating shall be provided for persons other than employees.

(10) Inspection fee. The City of Camden hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. Said inspection fee shall be collected and administered in line with Tennessee Code Annotated, §§ 57-3-502 and 57-3-503.

(11) Violations. The license holders are responsible at all times for the conduct of their business and are at all times directly responsible for the conduct

of all employees. Any violation of this chapter or of Tennessee or federal law which regulates intoxicating liquors shall constitute a civil offense and shall, upon conviction, be punishable by a penalty as enumerated under the general penalty provisions of this code as well as state and federal law.

(12) Selection of qualified applicants. Whenever there has been determination to be more qualified applicants than licenses available the City of Camden shall use a lottery system to choose between such qualified applicants, in a manner as decided by the mayor and board of aldermen.

(13) Hours and times of operation. The hours and dates of operation for retail licenses are controlled by Tennessee Code Annotated, § 57-3-406.

(14) Regulations on premises. All retail establishments must comply with the City of Camden building and zoning codes. (as added by Ord. #EWJ12-10-2012-01, Jan. 2013)

8-104. Specific rules governing on-premise consumption.

(1) Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by said code when such sales are conducted within the corporate limits of the City of Camden, Tennessee. It is the intent of the mayor and board of aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Camden, Tennessee, the same as if said code sections were copied herein verbatim.

(2) Restriction on the hours for sale of intoxicating liquors. There shall not be any intoxicating liquor sold on any Sunday between the hours of 3:00 A.M. and 12:00 P.M. All other times and dates of sales shall be as referenced by Tennessee Code Annotated, § 57-4-203.

(3) Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amount levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Camden General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Camden alcoholic beverages for consumption on the premises where sold.

(4) Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Camden shall remit annually to the city recorder the approximate tax described in Tennessee Code Annotated, § 57-4-301. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the approximate tax when due shall be subject to the penalty provided by law.

(5) Club application. Any club, as defined in Tennessee Code Annotated, title 57 that seeks to obtain a license for on-premises consumption of liquor must make an application to and obtain a permit from the City of Camden. This application shall be made on such form as the city shall prescribe. Each applicant shall be of good moral character and certify that he has read and is familiar with the provisions of this chapter. Such application shall be in writing and must be filed with the city recorder on a form to be provided by the city. Each application shall be accompanied by a non-refundable investigation fee of four hundred and fifty dollars (\$450.00). A copy of each application form, questionnaire, partnership agreement or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. The information in the application shall be verified by the oath of each 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. All applications submitted in accordance with this chapter shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting.

(6) Signature requirements. All establishments authorized under this section must comply with the City of Camden zoning code. (as added by Ord. #EWJ12-10-2012-01, Jan. 2013)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Permit required for engaging in beer business.
- 8-203. Hours and days when sale of alcoholic beverage prohibited.
- 8-204. Open beer prohibited in automobile, etc.
- 8-205. Issuance of permits distance requirement.
- 8-206. Privilege tax.
- 8-207. Civil penalty in lieu of suspension.
- 8-208. Sale of beer for consumption on-premises.

8-201. Beer board established. There is hereby created a city beer board to be made up of not more than six members. Such beer board shall be appointed by the council and may consist of the members of council or any portion thereof. The terms of office of the members of said beer board shall be for one year from the date of appointment. Said board shall meet and organize as soon as practicable by electing a chairman and secretary. (1972 Code, § 2-201)

8-202. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Camden. 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. (Ord. #GWO-3, Oct. 1993)

8-203. Hours and days when sale of alcoholic beverage prohibited. The sale of alcoholic beverages, within the City of Camden between 12 o'clock midnight on Saturday and 12 o'clock midnight on Sunday, is strictly prohibited.

¹State 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).

Anyone who is found violating this chapter shall be guilty of a misdemeanor and shall be subject to disciplinary action by the beer board of the City of Camden. (1972 Code, § 2-203)

8-204. Open beer prohibited in automobile, etc. It shall be unlawful for any individual to possess open beer in any automobile which is traveling or parked upon the streets or public property of the City of Camden, or to possess open beer or consume beer while upon any public property within the City of Camden including streets, alleys, parking lots, parks or any other facility which is used for public purposes, and any violation of this chapter, upon conviction is deemed a misdemeanor. (1972 Code, § 2-204)

8-205. Issuance of permits distance requirement. The beer board of the City of Camden shall not issue a beer permit to any establishment that is nearer than 200 feet of a church, school, or other place of public gathering. For purposes of calculating the distance, the measurement shall be made from building to building in a straight line. (Ord. #EWJ-24, July 1988)

8-206. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Camden, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #GWO-3, Oct. 1993)

8-207. 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 \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (Ord. #GWO-3, Oct. 1993, modified)

8-208. Sale of beer for consumption on-premises. The prohibition against the sale of beer for consumption on the premises within the City of

Camden shall be permitted only in business establishments that have been previously approved for the sale of intoxicating liquors for consumption on the premises within the city limits of the City of Camden. (as added by Ord. #EWJ12-10-2012-02, Jan. 2013)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. CABLE TELEVISION.
7. POSTING OF BILLS AND POSTERS.
8. ADULT-ORIENTED ESTABLISHMENT REGISTRATION.
9. SALES TO DISPOSE OF PERSONAL PROPERTY.

CHAPTER 1

MISCELLANEOUS

SECTION

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1972 Code, § 5-102)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2**PEDDLERS, ETC.**¹**SECTION**

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.
- 9-214. Entry upon private property, without invitation, for solicitation, etc. prohibited.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit 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. (1972 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1972 Code, § 5-202)

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

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

¹Municipal code references
Privilege taxes: title 5.

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

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1972 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The recorder shall keep a permanent record of all permits issued. (1972 Code, § 5-204)

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

five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1972 Code, § 5-205)

9-206. Bond. Every permittee shall file with the recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, 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. (1972 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1972 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1972 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1972 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1972 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1972 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1972 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1972 Code, § 5-213)

9-214. Entry upon private property without invitation, for solicitation, etc. prohibited. Entrance in and upon private residences by solicitors, peddlers, hawkers or itinerant merchants not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and is punishable as a misdemeanor. (1972 Code, § 5-214)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1972 Code, § 5-301)

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

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1972 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1972 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1972 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.
- 9-417. Cab stands on streets prohibited.

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1972 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab

¹Municipal code reference
Privilege taxes: title 5.

service; present the application to the council; and make a recommendation to either grant or refuse a franchise to the applicant. The council shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1972 Code, § 5-402)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of twenty-five thousand dollars (\$25,000.00) for bodily injury or death to any one person, fifty thousand dollars (\$50,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1972 Code, § 5-403, modified)

9-404. Revocation or suspension of franchise. The council, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1972 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in this municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of the state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1972 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary

condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1972 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1972 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1972 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1972 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The council, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1972 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1972 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1972 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1972 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1972 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1972 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1972 Code, § 5-416)

9-417. Cab stands on streets prohibited. It shall be unlawful for the operator of any taxicab to use any street as a taxi stand, or to park on any street for the purpose of loading passengers except when the services of such taxi has been requested by a passenger. (1972 Code, § 5-417)

CHAPTER 5**POOL ROOMS¹****SECTION**

9-501. Hours of operation regulated.

9-502. Minors to be kept out; exception.

9-503. Drinking prohibited in poolrooms.

9-501. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate pool tables or billiard tables for public use or hire at any time on Sunday or between the hours of 12:00 P.M. midnight and 7:00 A.M. on other days. (Ord. #EJ-2, July 1982)

9-502. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1972 Code, § 5-503)

9-503. Drinking prohibited in poolrooms. It shall be unlawful for any person, firm or corporation, their employees, agents, servants or other persons to permit or allow any person to drink or consume any intoxicating liquor, or beverage in or on the premises of any pool or billiard rooms or parlors; or to permit any person or persons under the influence of intoxicating liquor or beverage to be in or on the premises of said pool or billiard rooms or parlors. (1972 Code, § 5-505)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-602. Regulation of rates charged for cable television service and equipment.

9-603. Definitions.

9-601. To be furnished under franchise. Cable television service shall be furnished to the City of Camden and its inhabitants under franchise as the council shall grant. The rights, powers, duties and obligations of the City of Camden and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

9-602. Regulation of rates charged for cable television service and equipment. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the City of Camden to regulate basic cable television service within the boundaries of the City of Camden; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the City of Camden, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (Ord. #GWO-11, June 1994)

9-603. Definitions. Whenever the regulations cited in § 9-602 refer to "franchising authority," it shall be deemed to be a reference to the Mayor and Board of Aldermen of the City of Camden. (Ord. #GWO-11, June 1994)

¹For complete details relating to the cable television franchise agreement see Ord. #EMJ-20 dated June 13, 1988 in the office of the city recorder.

CHAPTER 7**POSTING OF BILLS AND POSTERS****SECTION**

9-701. Posting of bills, posters, etc., prohibited.

9-701. Posting of bills, posters, etc., prohibited. It shall be unlawful for any cooperation, partnership, or person to post or cause to be posted any bills, posters, signs and other public notices on any telegraph pole, electric light pole or other pole of any nature maintained by any public utility, corporation, partnership or person within the limits of the city or upon any tree standing in any street or highway without first obtaining from the council a written permit for such purpose, such permit to be signed by the mayor when authorized by said council. Such permit may be cancelled or withdrawn at the pleasure of the council. (1972 Code, § 5-601)

CHAPTER 8

ADULT-ORIENTED ESTABLISHMENT REGISTRATION

SECTION

- 9-801. Short title.
- 9-802. Definitions.
- 9-803. Adult-oriented establishment board--massage registration board as substitute.
- 9-804. License to operate--required.
- 9-805. License to operate--application.
- 9-806. License to operate--qualifications.
- 9-807. Inspections--notice of results.
- 9-808. Injunctions--contempt.
- 9-809. Revocation, suspension or annulment of licenses.
- 9-810. Hearings on disciplinary actions--judicial review--prohibition on operation of business.
- 9-811. Termination and renewal of licenses--application fees.
- 9-812. Prohibited hours of operation--hours open for inspection.
- 9-813. Duties and responsibilities of operators, entertainers, and employees.
- 9-814. Prohibited activities.
- 9-815. Entertainers or escorts--permits--required.
- 9-816. Entertainers or escorts--permits--application.
- 9-817. Entertainers or escorts--permits--qualifications--investigations.
- 9-818. Entertainers and escorts--permits--fees.
- 9-819. Penalties for violation of part.

9-801. Short title. This chapter shall be known and cited as the "Adult-Oriented Establishment Registration chapter of the City of Camden, Tennessee of 2000." (Ord. #JT9905, Jan. 2000)

9-802. Definitions. (1) "Adult bookstore" means a business which offers, as its principal or predominate stock or trade, sexually oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults;

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

which features entertainment or an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers;

(3) "Adult entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, and actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers;

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

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

(6) "Adult-oriented establishment" includes, but is not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further, "adult-oriented establishment" means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import;

(7) "Board" means the adult-oriented establishment board, or, if there is in existence in the City of Camden a massage registration board appointed by the mayor, such board may be substituted for the board;

(8) "Employee" means a person who performs any service on the premises of an adult-oriented establishment on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor agent or otherwise, and whether or not such person is paid a salary, wage, or other compensation by the operator of such business. "Employee" does not include a person exclusively on the premises for repair or

maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises;

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

(10) "Escort" means a person who, for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts or accompanies to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort;

(a) "Service-oriented escort" is an escort which:

(i) Operates from an open office;

(ii) Does not employ or use an escort runner;

(iii) Does not advertise that sexual conduct will be provided to the patron or work for an escort bureau which so advertises; and

(iv) Does not offer or provide sexual conduct.

(b) "Sexually-oriented escort" is an escort which:

(i) Employs as an employee, agent, or independent contractor an escort bureau runner;

(ii) Works for, as an agent, employee, contractor, or is referred to as a patron by a sexually-oriented escort bureau;

(iii) Advertises that sexual conduct will be provided, or works for, as an employee agent or independent contractor, or is referred to a patron by an escort bureau which so advertises;

(iv) Solicits, offers to provide or does provide acts of sexual conduct to an escort patron, or accepts an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort bureau;

(v) Works as an escort without having a current valid permit issued under this part, in such person's possession at all times while working as an escort; or

(vi) Accepts a fee from a patron who has not first been delivered a contract.

(11) "Escort service" means a "person" as defined in this section, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts;

(a) "Service-oriented escort bureau" is an escort bureau which:

(i) Maintains an open office at an established place of business;

(ii) Employs or provides only escorts which possess valid permits issued under this part;

(iii) Does not use an escort bureau runner; and
 (iv) Does not advertise that sexual conduct will be provided to a patron.

(b) "Sexually-oriented escort bureau" is an escort bureau which:

(i) Does not maintain an open office;
 (ii) Employs as an employee, agent, or independent contractor, uses an escort bureau runner;

(iii) Advertises that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron;

(iv) Solicits, offers to provide or does provide acts of sexual conduct to an escort patron;

(v) Employs, contracts with or provides or refers escorts who do not possess valid permits issued under this part;

(vi) Does not deliver contracts to every patron or customer; or

(vii) Employs, contracts with a sexually-oriented escort or refers or provides to a patron, a sexually-oriented escort.

(12) "Massage parlor" means an establishment or place primarily in the business of providing massage or tanning services where one (1) or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material;

(13) "Open office" means an office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours during which escorts are working; which is managed or operated by an employee, officer, director or owner of the escort service having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints;

(14) "Operator" means any person, partnership, or corporation operating, conducting or maintaining an adult-oriented establishment;

(15) "Person" means an individual, partnership, limited partnership, firm, corporation or association.

(16) "Rap parlor" means an establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults;

(17) "Sauna" means an establishment or place primarily in the business of providing:

(a) A steam bath; or

(b) Massage services.

(18) "Sexual conduct" means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks, or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person;

(19) "Sexual encounter center" means a business or commercial enterprise that, as one (1) of its primary business purposes, offers for any form of consideration:

(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) Physical contact between male and female persons and/or persons of the same sex when one (1) or more of the persons exposes to view of the persons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material;

(20) "Sexual gratification" means "sexual conduct" as defined in this part;

(21) "Sexual stimulation" means to excite or arouse the prurient interest or to offer or solicit acts of "sexual conduct" as defined in this part;

(22) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals;

(ii) Pubic region;

(iii) Buttocks; and

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

(b) Human male genitals in a discernibly turgid state, even if completely opaquely covered;

(23) "Specified criminal acts" means the following criminal offenses as defined by Tennessee Code Annotated:

(a) Aggravated rape;

(b) Rape;

(c) Rape of a child;

(d) Aggravated sexual battery;

(e) Sexual battery by an authority figure;

(f) Sexual battery;

(g) Statutory rape;

(h) Public indecency;

(i) Prostitution;

(j) Promoting prostitution;

(k) Distribution of obscene materials;

(l) Sale, loan or exhibition to a minor of material harmful to minors;

(m) The display for sale or rental of material harmful to minors;

(n) Sexual exploitation of a minor;

(o) Aggravated sexual exploitation of a minor;

(p) Especially aggravated sexual exploitation of a minor;

(24) "Specified sexual activities" means:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy;

or

- (c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts; and

(25) "Specified services" means massage services, private dances, private modeling, acting as an "escort" as defined in this part, and any other live "adult entertainment" as defined in this part. (Ord. #JT9905, Jan. 2000)

9-803. Adult-oriented establishment board--massage registration board as substitute. (1) There is hereby created in the City of Camden an adult-oriented establishment and massage registration board.

(2) The board shall consist of five (5) members appointed by the Mayor of the City of Camden.

(3) A majority of the members to which the board is entitled shall constitute a quorum.

(4) The board shall serve without compensation but the members shall receive their actual expenses for attending adult-oriented establishment board meetings.

(5) The board shall select a chair from among its members and the chair shall notify interested persons and members of board meetings.

(6) The board shall meet as often as required to carry out the provisions of this part. (Ord. #JT9905, Jan. 2000)

9-804. License to operate--required. (1) Except as provided in subsection (5) from and after March 1, 2000, of this part, no adult-oriented establishment shall be operated or maintained in the City of Camden without first obtaining a license to operate issued by the City of Camden Adult-Oriented Establishment Board.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for each. No building, premises, structure or other facility that contains any adult-oriented establishment shall contain any other kind of adult-oriented establishment.

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

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

(5) All existing adult-oriented establishments at the time of the passage of this part must submit an application for a license within one hundred twenty (120) days of March 1, 2000. If a license is not issued within such one

hundred twenty-day period, then such existing adult-oriented establishment shall cease to operate.

(6) No license shall be issued by the board unless the applicant certifies, by proof satisfactory to the board, that the applicant has satisfied the rules, regulations and provisions of the applicable zoning requirements in the City of Camden. Any zoning requirement shall be in addition to and not an alternative to any requirement of this legislation. (Ord. #JT9905, Jan. 2000)

9-805. License to operate--application. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the adult-oriented establishment board. A copy of the application shall be distributed promptly to the city police department.

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

- (a) Name and address, including all aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) The business, occupation or employment of the applicant in an adult-oriented establishment for five (5) years immediately preceding the date of the application;
- (d) The adult-oriented establishment or similar business license history of the applicant; whether such applicant, in previously operating in this or any other county, city, or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation;
- (e) Any conviction for or plea of nolo contendere to a specified criminal act as defined in § 9-802(24);
- (f) The address of the adult-oriented establishment to be operated by the applicant;
- (g) If the applicant is a corporation, the application shall specify the name, address, and telephone number of the corporation, the date and the state of incorporation, the name and address of the registered agent for service of process of the corporation, and the names and addresses of the officers and the directors of the corporation, and the names and addresses of any persons holding fifty percent (50%) or more of the stock of the corporation; if the applicant is a partnership, the application shall specify the name and address of the partnership, the names and address of all general partners of the partnership; if the partnership is a limited partnership, the application shall specify the name and address of all general partners who have a controlling interest in the partnership; and
- (h) A statement by the applicant that the applicant is familiar with the provisions of this legislation and is in compliance with them.

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

(4) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or the applicant's refusal to submit to or cooperate with any investigation required by this part constitutes an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the board. (Ord. #JT9905, Jan. 2000)

9-806. License to operate--qualifications. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

- (1) If the applicant is an individual:
 - (a) The applicant shall be at least eighteen (18) years of age;
 - (b) The applicant shall not have had a license revoked within five (5) years immediately preceding the date of the application;
 - (c) The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and
 - (d) The applicant shall not have been convicted of a "specified criminal act," as defined in § 9-802, for which:
 - (i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;
 - (ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;
 - (iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;
 - (iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;
- (2) If the applicant is a corporation:
 - (a) All officers, directors and stockholders required to be named under § 9-805(b) shall be at least eighteen (18) years of age;
 - (b) No officer, director, and stockholder required to be named under § 9-805(b) shall have had an adult-oriented establishment license revoked within five (5) years immediately preceding the date of the application;

(c) No officer, director or stockholder required to be named under § 9-805(b) shall have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application;

(d) The applicant or officer, director or stockholder required to be named under § 9-805(b) shall not have been convicted of a "specified criminal act," as defined in § 9-802, for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;

(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;

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

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

(b) All persons having a financial interest in the partnership, joint venture or other type of organization shall not have had a license revoked within five (5) years immediately preceding the date of the application;

(c) No applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and

(d) The applicant or any person having a financial interest required to be disclosed shall not have been convicted of a "specified criminal act," as defined in § 9-802, for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;

(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;

(4) No license shall be issued unless the board or police department has investigated the applicant's qualifications to be licensed. The results of that

investigation shall be filed in writing with the board no later than twenty (20) days after the date of the application.

(5) An applicant who has been convicted of any "specified criminal activities" may not be denied a permit based on those convictions once the time period required in this section has elapsed. (Ord. #JT9905, Jan. 2000)

9-807. Inspections--notice of results. (1) In order to effectuate the provisions of this part, the board, its authorized representative or police department is empowered to conduct investigations of persons engaged in the operation of any adult-oriented establishment and inspect the license of the operators and establishment for compliance. Refusal of an operation or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue licenses provided by this part.

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

(3) If an additional investigation is held, upon the expiration of the thirtieth day, the application shall be permitted to begin operating the business for which the license is sought, unless or until the board or its authorized representative notifies the applicant of a denial of the application and states the reasons for that denial. (Ord. #JT9905, Jan. 2000)

9-808. Injunctions--contempt. (1) The board has the power and authority to enter into any court of the State of Tennessee having proper jurisdiction to seek an injunction against any person or adult-oriented establishment not in compliance with the provisions of this part, and is further empowered to enter into any such court to enforce the provisions of this part in order to ensure compliance with such provisions.

(2) Any violation of an injunction obtained under this section is contempt with a fine of fifty dollars (\$50.00).

(3) Each day in contempt of such injunction is considered a separate offense.

(4) The circuit, chancery, or criminal courts of this state and the chancellors and judges thereof shall have full power, authority, and jurisdiction, upon application by sworn detailed petition filed by the board within their respective jurisdictions, to issue any and all proper restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce this part. (Ord. #JT9905, Jan. 2000).

9-809. Revocation, suspension or annulment of license. (1) The board shall revoke, suspend or annul a license for any of the following reasons:

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

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

(c) The operator becomes ineligible to obtain a license;

(d) Any cost or fee required to be paid by this part is not paid;

(e) Any intoxicating liquor or malt beverage is served or consumed on the premises of the adult-oriented establishment;

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

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

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

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

(j) Any operator, employee or entertainer is convicted of a "specified criminal act," as defined in § 9-802, provided that such violation occurred on the licensed premises.

(2) (a) Notwithstanding anything herein to the contrary, before revoking or suspending any license or permit, the chair shall give the license holder or permit holder not less than ten (10) nor more than twenty days' written notice of the charges against such license holder or permit holder and of the revocation of such license or permit, or of the period of time such license or permit is to be suspended; such notice shall also advise the license holder or permit holder of the license holder's or permit holder's right to request a hearing before the board. In the event the license holder or permit holder does not request in writing a hearing before the board within the time set forth in such notice, the suspension or revocation shall be effective beginning the date set forth in such notice.

(b) If the license holder or permit holder desires to request a hearing before the board to contest the suspension or revocation, such

request shall be made in writing to the Mayor of the City of Camden within ten (10) days of the license holder's or permit holder's receipt of the notification from the board. If the license holder or permit holder timely requests such a hearing, the effective date of a suspension or hearing shall be stayed pending the final outcome of judicial proceedings to determine whether such license or permit has been properly revoked or suspended under the law.

(c) If the license holder or permit holder timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the mayor's receipt of such request before the board at which time the license holder or permit holder may present evidence contrary to the provisions of this part. The board shall hear evidence contrary to the provisions of this part. The board shall hear evidence concerning the basis for such suspension or revocation and shall affirm or reverse the suspension or revocation at the conclusion of such hearing; any such hearing shall be concluded no later than twenty-two (22) days after the license holder's or permit holder's receipt of the notification of the suspension or revocation, unless an extension beyond such time period is requested by the license holder or permit holder and granted by the board.

(3) If the board affirms the suspension or revocation, the city attorney for the City of Camden shall institute suit for declaratory judgment in a court of record in such city, within five (5) days of the date of any such affirmation seeking an immediate judicial determination of whether such license or permit has been properly revoked or suspended under the law.

(4) Any operator whose license is revoked shall not be eligible to receive a license for five (5) years from the date of revocation.

(5) The applicant shall be entitled to judicial determination of the issues within two (2) days after joinder of issue, and a decision shall be rendered by the court within two (2) days of the conclusion of the hearing.

(6) The board shall have the burden of showing that a revocation or suspension of a license under this section is not arbitrary or capricious. (Ord. #JT9905, Jan. 2000)

9-810. Hearings on disciplinary actions--judicial review--prohibition on operation of business. (1) As used in this section, "application" means:

- (a) An application for a license;
- (b) An application for a permit;
- (c) An application for a license renewal; and
- (d) An application for a permit renewal.

(2) Whenever an application is denied, the chair shall notify the applicant in writing of the reasons for such action; such notice shall also advise the applicant of the applicant's right to request a hearing before the board. If the applicant desires to request a hearing before the board to contest the denial

of an application, such request shall be made in writing to the mayor of such city within ten (10) days of the applicant's receipt of the notification of the denial of the application. If the applicant timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the mayor's receipt of such request before the board, at which time the applicant may present evidence as to why the application should not be denied. The board shall hear evidence concerning the basis for denial of the application and shall affirm or reverse the denial of an application at the conclusion of such hearing; any such hearing shall be concluded no later than twenty-two (22) days after the applicant's receipt of notification of denial of an application, unless an extension beyond such time period is requested by the applicant and granted by the board.

(3) If the board affirms the denial of an application, the office of the city attorney for the City of Camden shall institute suit for declaratory judgment in a court of record in such city, within five (5) days of the date of any such denial seeking an immediate judicial determination of whether such application has been properly denied under the law.

(4) The applicant shall be entitled to judicial determination of the issues within two (2) days after the joinder of issue, and a decision shall be rendered by the court within two (2) days of the conclusion of the hearing.

(5) The board shall have the burden of showing that a denial of a license under this section is not arbitrary or capricious. (Ord. #JT9905, Jan. 2000)

9-811. Termination and renewal of licenses--application fees.

(1) Every license issued under this part will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the board. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the board. A copy of the application for renewal shall be distributed promptly by the chair of the board to the applicable chief of police. The application for renewal shall contain such information and data, given under oath or affirmation, as may be required by the board, but not less than the information contained in the original application.

(2) A license renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. If the application is denied, one half (½) of the fee shall be returned.

(3) If the police department is aware of any information bearing on the operator's qualifications, the information shall be filed in writing with the board not later than ten (10) days after the date of the application for renewal.

(4) Every permit issued under this part will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before an entertainer is allowed to provide entertainment in an adult-oriented establishment in the following calendar year. Any entertainer desiring to renew a permit shall make application to the board. The application for renewal must be filed not later than thirty (30) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the board. A copy of the application for renewal shall be distributed promptly by the board to the chief of police. The application for renewal shall be upon a form provided by the board and shall contain such information and data, given under oath or affirmation, as may be required by the board.

(5) A permit renewal fee of fifteen dollars (\$15.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of five dollars (\$5.00) shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires. If the application is denied, one half ($\frac{1}{2}$) of the fee shall be returned.

(6) If the police department is aware of any information bearing on the entertainer's qualifications, that information shall be filed in writing with the board not later than ten (10) days after the date of the application for renewal.

(7) Notwithstanding anything herein to the contrary, any application for renewal of a license or for renewal for a permit shall be handled, investigated, and approved or denied within the same time periods as those established in this part for original license applications and permit applications. In the event a license renewal application or permit renewal application is denied, the applicant shall have all rights of appeal to the board as set forth in § 9-810. (Ord. #JT9905, Jan. 2000)

9-812. Prohibited hours of operation--hours open for inspection.

The public portion of all adult-oriented establishments shall be open to inspection at all reasonable times by the applicable police department or such other persons as the board may designate. (Ord. #JT9905, Jan. 2000)

9-813. Duties and responsibilities of operators, entertainers, and employees.

(1) The operator shall maintain a register of all employees, showing the name, the aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone number, social security number, driver license number, date of employment and termination, and duties of each employee, and such other information as may be required by the board. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of employees available immediately for inspection by the board and/or police department upon demand of a member of the board or police department at all reasonable times.

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

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

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

(6) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever.

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

(8) The license shall be conspicuously displayed in the common area of the premises at all times.

(9) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows: "This Adult-Oriented Establishment is Regulated by the Municipal Code of the City of Camden, Title 9, Chapter 8. Entertainers are:

- (a) Not permitted to engage in any type of sexual conduct;
- (b) Not permitted to expose their sex organs;
- (c) Not permitted to demand or collect all or any portion of a fee for entertainment before its completion;
- (d) Not permitted to appear in a state of full nudity."

(10) The permit shall be kept by an employee, entertainer, or escort so that it is readily available for display immediately upon request of a customer, any member of such city police department, and board member, or any person designated by the board. (Ord. #JT9905, Jan. 2000)

9-814. Prohibited activities. (1) No operator, entertainer or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow, patrons to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer or employee of an adult-oriented establishment shall encourage or permit any person upon the premises to touch, caress or fondle the breast, buttocks, anus or genitals of any operator, entertainer or employee.

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

(4) (a) No employee or entertainer, while on the premises of an adult-oriented establishment, may:

- (i) Engage in sexual intercourse;
- (ii) Engage in deviant sexual conduct;
- (iii) Appear in a state of nudity;
- (iv) Fondle such person's own genitals or those of another.

(b) For the purpose of this section, "nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(5) If the license holder operates an escort bureau, such bureau shall not be operated as a "sexually-oriented escort bureau" as defined in this part.

(6) No permit holder of an escort bureau shall conduct oneself as a "sexually-oriented escort" as defined in this part.

(7) No license holder shall advertise that such license holder offers "sexual stimulation" or "sexual gratification" as defined in this part. (Ord. #JT9905, Jan. 2000)

9-815. Entertainers or escorts--permits--required. No person shall be an entertainer, employee, or escort in an adult-oriented establishment without a valid permit issued by the board. (Ord. #JT9905, Jan. 2000)

9-816. Entertainers or escorts--permits--application. (1) Any person desiring to secure a permit shall make application to the board. The application shall be filed in triplicate with and dated by the board. A copy of the application shall be distributed promptly by the board to the police department.

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

- (a) Name and address, including all aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) The applicant's height, weight, color of eyes and hair;

(d) The adult-oriented establishment or similar business permit history of the applicant; whether such person, in previously operating in this or any other city or state under permit, has had such permit revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation;

(e) Any conviction for or plea of nolo contendere to "a specified criminal act" as defined in § 9-802(24);

(f) Two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant; and

(g) A statement by the applicant that the applicant is familiar with the provisions of this part and is in compliance with them.

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

(4) If an additional investigation is held, upon the expiration of the thirtieth day, the applicant shall be permitted to operate the business for which the license is sought, unless or until, the board or its authorized representative notifies the applicant of a denial of the application and states the reasons for that denial.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the applications, or the applicant's refusal to submit to or cooperate with any investigation required by this part, constitutes an admission by the applicant that the applicant is ineligible for such permit, and is grounds for denial thereof by the board. (Ord. #JT9905, Jan. 2000)

9-817. Entertainers or escorts--permits--qualifications--investigations. (1) To receive a permit as an entertainer or escort, an applicant must meet the following standards:

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

(b) The applicant shall not have had a permit revoked within two (2) years immediately preceding the date of the application;

(c) The applicant shall not have been convicted of a "specified criminal act," as defined in § 9-802, for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction is for a felony offense;

(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;

(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;

(d) An applicant who has been convicted of any specified criminal activities may not be denied a permit based on those convictions once the time period required in subdivision (1)(c) has elapsed.

(2) No permit shall be issued until the board or police department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the board no later than thirty (30) days after the date of the application. (Ord. #JT9905, Jan. 2000)

9-818. Entertainers and escorts--permits--fees. (1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license.

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. (Ord. #JT9905, Jan. 2000)

9-819. Penalties for violation of part. (1) Any person, partnership or corporation found to have violated this part shall be fined a definite sum not exceeding fifty dollars (\$50.00) and shall result in the suspension or revocation of any license.

(2) Each violation of this part shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (Ord. #JT9905, Jan. 2000)

CHAPTER 9

SALES TO DISPOSE OF PERSONAL PROPERTY

SECTION

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

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

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

(2) "Personal property" shall mean property which is owner, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as added by Ord. #JT2004-3, June 2004)

9-902. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale under authority granted by this chapter, property other than personal property. (as added by Ord. #JT2004-3, June 2004)

9-903. Permit required. Non-residential garage sales shall not be conducted unless and until the individuals desiring to conduct such sale obtain a permit from the city recorder. Four (4) residential garage sales are allowed at

each location each calendar year. No permit is required for the four (4) residential garage sales. (as added by Ord. #JT2004-3, June 2004)

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

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

(2) Permit fee. An administrative processing fee will not be charged for the issuance of such permit.

(3) Issuance of permit. Upon the applicant complying with the terms of this chapter, the city recorder shall issue a permit. (as added by Ord. #JT2004-3, June 2004)

9-905. Permit conditions. No more than four (4) permits may be issued to any one person or family household during any calendar year. If members of more than one household join in requesting a permit, then such permit shall be considered having been issued for each and all persons. No more than four (4) permits may be issued for any nonresidential location during any calendar year. (as added by Ord. #JT2004-3, June 2004)

9-906. Hours of operation. Such garage sales shall be limited in time to no more than 7:00 A.M. to 6:00 P.M. of two (2) consecutive days. (as added by Ord. #JT2004-3, June 2004)

9-907. Exceptions. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the city recorder shall issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required. (as added by Ord. #JT2004-3, June 2004)

9-908. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front,

side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed on any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (as added by Ord. #JT2004-3, June 2004)

9-909. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public or any city official. (as added by Ord. #JT2004-3, June 2004)

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

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

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

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than seven (7) days prior to the day such sale is to commence and two (2) days after. (as added by Ord. #JT2004-3, June 2004)

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

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

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

(3) Persons conducting home estate sales, moving sales, or auctions at the residence or participating in a city promoted garage sale event. (as added by Ord. #JT2004-3, June 2004)

9-912. Penalty. Any person found guilty of violating the terms of this chapter shall be punished according to the general penalty provisions of this municipal code of ordinances. (as added by Ord. #JT2004-3, June 2004)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. HOGS.
3. NOISES PRODUCED BY ANIMALS AND FOWLS.
4. DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
- 10-102. Keeping livestock on less than five acres within city limits prohibited.

10-101. Running at large prohibited. It shall be unlawful for any person or persons, owning, or having control and custody of horses, mules, donkeys, sheep, goats or other livestock, to permit the same to run at large within the corporate limits of this municipality. (1972 Code, § 3-101)

10-102. Keeping livestock on less than five acres within city limits prohibited. No person or entity shall permit the keeping of livestock on any tract of land located within the city limits of the City of Camden of acreage less than five acres (5).

Livestock shall be defined as horses, cows, goats, hogs, chickens, and other fowl. (as added by Ord. #JT-2005-11, Nov. 2005)

CHAPTER 2

HOGS

SECTION

10-201. Keeping of hogs prohibited.

10-201. Keeping of hogs prohibited. It shall be unlawful to keep hogs within the city limits. (1972 Code, § 3-201)

CHAPTER 3**NOISES PRODUCED BY ANIMALS AND FOWLS****SECTION**

10-301. Loud noises produced by fowls, prohibited.

10-302. Loud noises produced by animals, prohibited.

10-301. Loud noises produced by fowls, prohibited. It shall be unlawful for any person to own, harbor, keep or possess any chickens, ducks, geese, fowls or other birds which by loud and frequent quacking, crowing, or cackling, or by any other noises, disturb the peace or cause annoyance to any of the citizens of the city. (1972 Code, § 3-301)

10-302. Loud noises produced by animals, prohibited. It shall be unlawful for any person to own, keep, harbor or possess any animals which by loud and frequent howling, barking, yelping, growling, bleating, braying or bawling or by any other noise, or cause of annoyance to any citizen of the city. (1972 Code, § 3-302)

CHAPTER 4

DOGS

SECTION

- 10-401. Rabies vaccination and registration required.
- 10-402. Dogs to wear tags.
- 10-403. Dogs running at large and/or creating a nuisance prohibited.
- 10-404. Vicious dogs to be securely restrained.
- 10-405. Noisy dogs prohibited.
- 10-406. Confinement of dogs suspected of being rabid.
- 10-407. Apprehension and disposition of dogs.
- 10-408. Fees.
- 10-409. Dogs to be neutered.
- 10-410. Female dogs coming in heat.
- 10-411. Fines for violation of this chapter.

10-401. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog within the corporate limits of the City of Camden without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" Tennessee Code Annotated, §§ 68-8-101 to 68-8-114, or other applicable law. (Ord. #GWO-4, Oct. 1993)

10-402. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog within the corporate limits of the City of Camden which does not wear a tag evidencing the vaccination and registration required by the preceding section. (Ord. #GWO-4, Oct. 1993)

10-403. Dogs running at large and/or creating a nuisance prohibited. (1) It shall be unlawful for any person having a right of property in a dog, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or who permits a dog to remain on or about any premises occupied or controlled by such person, to allow such animal to run at large off the premises of said person unless the animal is under such control so as to reasonably provide for the protection of persons, other animals, or property by means of a leash, cord or chain secured to an adequate stationary object or to the hand of the owner or other qualified person so that it shall not be able to bite or injure any person or animal, or damage any property. Further, if said animal is on the premises of said person but outside of adequate fencing or other restraining device, said animal shall be under the direct supervision and control of said person or his agent of responsible age.

(2) It shall be unlawful to keep a dog in such a manner, place, or condition so as to become a nuisance either because of noise, odor, contagious disease, or other offensive habits or reason.

(3) For the purpose of this chapter a dog shall be defined as any member of the canine family three (3) months or more of age. (Ord. #GWO-4, Oct. 1993)

10-404. 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 within the corporate limits of the City of Camden unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (Ord. #GWO-4, Oct. 1993)

10-405. 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. (Ord. #GWO-4, Oct. 1993)

10-406. 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, a state or county health officer, the animal warden, any police officer or other official designated by the council may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (Ord. #GWO-4, Oct. 1993)

10-407. Apprehension and disposition of dogs. Any dog found running at large and/or creating a nuisance may be seized by the animal warden, any police officer, or other official designated by the council, and placed in a pound provided or designated by the city council. If said 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 the apprehension fee and boarding fee established by this chapter, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold 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. The owner shall be responsible for paying the vaccination fee. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely apprehended and impounded, it may be summarily destroyed¹ by the animal warden or any policeman.¹

¹For a Tennessee Supreme Court case upholding the summary destruction
(continued...)

For these purposes the animal warden, any police officer, or other official designated by the council, shall hereby be authorized to utilize tranquilizer dart guns, or other capture devices in the apprehension or destruction of same. (Ord. #GWO-4, Oct. 1993)

10-408. Fees. Apprehension and impoundment fees shall be ten dollars (\$10.00). Boarding fees for dogs impounded by the city shall be two dollars (\$2.00) per day, not including the first day of impoundment. Should the dog have required the services of a veterinarian or other professional animal services while in the custody of the city, the cost of such services shall be added to the apprehension and impoundment fees. (Ord. #GWO-4, Oct. 1993)

10-409. Dogs to be neutered. Dogs which are to be released from the animal shelter for adoption by a new owner shall be neutered by a competent veterinarian, and the cost of which shall be added to any impoundment fees and paid by the new owner(s). (Ord. #GWO-4, Oct. 1993)

10-410. Female dogs coming in heat. All female dogs within the city upon coming in heat, shall be kept in a secure enclosure or under complete control by the owner for a minimum period of twenty-one (21) days beginning the first day the evidence of attraction is noticeable to the owner. Any such female dog running loose, with or without the tags evidencing vaccination and registration, demonstrating evidence of attraction, shall be picked up by the animal warden and confined in a separate compartment at the impoundment facility. If said dog is wearing a tag, the owner shall be notified by telephone or by postcard addressed to his last known mailing address, to appear within five (5) days and redeem his dog by paying the apprehension fee and boarding fee established by this chapter, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. (Ord. #GWO-4, Oct. 1993)

10-411. Fines for violation of this chapter. The animal warden, any police officer or other official designated by the council shall have the authority to investigate all violations observed by him, and to investigate all complaints filed by any person. Any owner found guilty of violating any section of this chapter, may, upon conviction, be subject to a civil penalty of up to five hundred dollars (\$500.00). (Ord. #GWO-4, Oct. 1993, modified)

¹(...continued)

of dogs pursuant to appropriate legislation, see Darnell v. Shepard, 156 Tenn. 544, 3 S.W. 2d 661 (1927).

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. Unless while in a business place in possession of a beer permit and license for premises consumption, it shall be unlawful to consume or drink, or to have an open container of beer on any street, alley, parking lot or other public facility of this municipality. (1972 Code, § 10-229)

¹Municipal code references

- Animals and fowls: title 10.
- Housing and utilities: title 12.
- Fireworks and explosives: title 7.
- Traffic offenses: title 15.
- Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

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

11-102. Minors in beer places. It shall be unlawful for any minor to loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1972 Code, § 10-222)

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1972 Code, § 10-235)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1972 Code, § 10-202)

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

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

(a) Blowing horns.¹ The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

¹Municipal code reference: § 15-118.

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

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

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

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

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

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

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

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

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

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

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the chief of police. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1972 Code, § 10-234)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL**SECTION**

11-401. Impersonating a municipal officer or employee.

11-402. False emergency alarms.

11-403. Coercing people not to work.

11-401. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any other government officer or employee. (1972 Code, § 10-211)

11-402. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1972 Code, § 10-217)

11-403. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1972 Code, § 10-231)

CHAPTER 5**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1972 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1972 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1972 Code, § 10-212, modified)

CHAPTER 6

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC**

SECTION

- 11-601. Trespassing.
- 11-602. Trespassing on trains.
- 11-603. Malicious mischief.
- 11-604. Interference with traffic.

11-601. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall 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. (1972 Code, § 10-226)

11-602. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1972 Code, § 10-221)

11-603. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1972 Code, § 10-225)

11-604. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1972 Code, § 10-233)

CHAPTER 7**MISCELLANEOUS****SECTION**

- 11-701. Abandoned refrigerators, etc.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices, etc.
- 11-704. Curfew for minors.
- 11-705. Wearing masks.
- 11-706. Cruelty to animals.
- 11-707. Unauthorized mounting of fire equipment prohibited.
- 11-708. Trespassing on water works or sewage disposal plant, prohibited.
- 11-709. Defacing or removing of street or traffic signs prohibited.
- 11-710. Leasing or renting a house knowingly to another for immoral or unlawful purposes prohibited.

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1972 Code, § 10-223)

11-702. 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. (1972 Code, § 10-232)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1972 Code, § 10-227)

11-704. Curfew for minors. It shall be unlawful for any minor, to be abroad at night after 11:00 P.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1972 Code, § 10-224)

11-705. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

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

(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1972 Code, § 10-236)

11-706. Cruelty to animals. It shall be unlawful for any person within the City of Camden to inhumanely or cruelly beat or abuse any dumb animal, or to confine it for more than twelve hours without having been fed or watered. It shall be the duty of the police to water and feed any such animal until proper disposition can be made of it, and any cost arising from the care given shall be charged against the violator upon conviction. (1972 Code, § 10-237)

11-707. Unauthorized mounting of fire equipment prohibited. It shall be unlawful for any person other than members of the fire department or persons authorized by the chief of the fire department to mount or ride on any fire equipment while such equipment is in use. (1972 Code, § 10-238)

11-708. Trespassing on water works or sewage disposal plant, prohibited. It shall be unlawful to go upon or trespass upon either the city owned property where the water works or the sewage disposal plant are located without proper authority. (1972 Code, § 10-239)

11-709. Defacing or removal of street or traffic signs prohibited. It shall be unlawful for any person to remove, deface or disfigure any street or traffic sign, or any other such public property belonging to the city. (1972 Code, § 10-240)

11-710. Leasing or renting a house knowingly to another for immoral or unlawful purposes prohibited. It shall be unlawful for any landlord or other such person to knowingly lease or rent property to any person for the purpose of operating a house of prostitution. (1972 Code, § 10-241, modified)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. ENERGY CONSERVATION CODE.
7. [DELETED.]
8. [DELETED.]
9. PROPERTY MAINTENANCE CODE.
10. MECHANICAL CODE.
11. EXISTING BUILDINGS CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2006 edition, as prepared and adopted by the

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1972 Code, § 4-101, modified, as amended by Ord. #JT-01-2005-01, Feb. 2005, Ord. #AW2009-04, Dec. 2009, and Ord. #AW2010, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-102. Modifications. (1) Definitions. Whenever the building code refers to the " Chief Appointing Authority," it shall be deemed to be a reference to the mayor. When the "Building Official" is named it shall, for the purposes of the building code, mean such person as the mayor shall have appointed or designated to administer and enforce the provisions of the building code.

(2) Permit fees. Permit fees required to be collected under the building code shall be as established from time to time by resolution adopted by the council. (1972 Code, § 4-102, modified, as amended by Ord. #AW2010-06, Jan. 2011, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-103, modified, as repealed and replaced by Ord. #AW2011-05, July 2011)

12-104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1972 Code, § 4-104, as repealed and replaced by Ord. #AW2011-05, July 2011)

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-203. Available in recorder's office.

12-204. Violations and penalty.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the International Plumbing Code,² 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1972 Code, § 4-201, modified, as amended by Ord. #JT-01-2005-01, Feb. 2005, and Ord. #2010-01, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the mayor.

Wherever "Code Official" is named or referred to, it shall mean the person appointed or designated by the mayor to administer and enforce the provisions of the plumbing code. (1972 Code, § 4-202, modified, as repealed and replaced by Ord. #AW2011-05, July 2011)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-203, modified, as repealed and replaced by Ord. #AW2011-05, July 2011)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1972 Code, § 4-204, as repealed and replaced by Ord. #AW2011-05, July 2011)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations and penalty.
- 12-305. Enforcement.
- 12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 2008 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1972 Code, § 4-301, modified, as repealed and replaced by Ord. #AW2011-05, July 2011)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-302, modified, as repealed and replaced by Ord. #AW2011-05, July 2011)

12-303. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1972 Code, § 4-303, as repealed and replaced by Ord. #AW2011-05, July 2011)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

12-304. Violations and penalty. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1972 Code, § 4-304, as repealed and replaced by Ord. #AW2011-05, July 2011)

12-305. Enforcement. The electrical inspector shall be such person as the mayor shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1972 Code, § 4-305, as repealed and replaced by Ord. #AW2011-05, July 2011)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143, for electrical inspections by deputy inspectors of the state fire marshal. (1972 Code, § 4-306, as repealed and replaced by Ord. #AW2011-05, July 2011)

CHAPTER 4

GAS CODE¹

SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalty.
- 12-412. Nonliability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the city. The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.

(2) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the mayor.

(5) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals. (as amended by Ord. #AW2010-01, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances

¹Municipal code reference

Gas system administration: title 19, chapter 2.

installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel Gas Code,¹ 2006 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (Ord. #GWO-29, Aug. 1996, modified, as amended by Ord. #JT-01-2005-01, Feb. 2005, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the mayor a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00), with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work

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

on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city council. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the mayor; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the

consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six inches (6") in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-410. Fees. The permit fee schedule as amended from time to time is available in the office of the recorder. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-411. Violations and penalty. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-412. Nonliability. This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person

injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (as repealed and replaced by Ord. #AW2011-05, July 2011)

CHAPTER 5

RESIDENTIAL CODE

SECTION

12-501. Residential code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations and penalty.

12-501. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code,¹ 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the residential code. (1972 Code, § 4-401, modified, as amended by Ord. #JT-01-2005-01, Feb. 2005, and Ord. #AW2010-01, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-502. Modifications. Wherever the residential code refers to the "Building Official," it shall mean the person appointed or designated by the mayor to administer and enforce the provisions of the residential code. Wherever the "Chief Appointing Authority" is referred to it shall mean the mayor. (1972 Code, § 4-402, modified, as repealed and replaced by Ord. #AW2011-05, July 2011)

12-503. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-403, modified, as repealed and replaced by Ord. #AW2011-05, July 2011)

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (1972 Code, § 4-404, as repealed and replaced by Ord. #AW2011-05, July 2011)

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

CHAPTER 6

ENERGY CONSERVATION CODE¹

SECTION

- 12-601. Energy conservation code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations and penalty.

12-601. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems to establish energy-efficient buildings using prescriptive and performance-related provisions which will make possible the use of new materials and innovative techniques that conserve energy, the International Energy Conservation Code,² 2006 edition, as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (as amended by Ord. #AW2010-01, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-602. Modifications. When the "Code Official" is named it shall, for the purposes of the energy code, mean such person as the mayor shall have appointed or designated to administer and enforce the provisions of the energy code. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy

¹State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

conservation code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-604. Violations and penalty. It shall unlawful for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as repealed and replaced by Ord. #AW2011-05, July 2011)

CHAPTER 7

[DELETED]

(as deleted by Ord. #AW2011-05, July 2011)

CHAPTER 8

[DELETED]

(as deleted by Ord. #AW2011-05, July 2011)

CHAPTER 9

PROPERTY MAINTENANCE CODE

SECTION

- 12-901. Property maintenance code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.
- 12-904. Violations and penalty.

12-901. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the International Property Maintenance Code,¹ 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the property maintenance code. (Ord. #GWO-29, Aug. 1996, modified, as amended by Ord. #JT-01-2005-01, Feb. 2005, and Ord. #AW2010-01, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-902. Modifications. Whenever the property maintenance code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the mayor. When the "Code Official" is named it shall, for the purposes of the property maintenance code, mean such person as the mayor has appointed or designated to administer and enforce the provisions of the property maintenance code. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-903. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-904. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of

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

Change 5, July 11, 2011

12-18

this code. Each day a violation is allowed to continue shall constitute a separate offense. (as repealed and replaced by Ord. #AW2011-05, July 2011)

CHAPTER 10

MECHANICAL CODE¹

SECTION

- 12-1001. Mechanical code adopted.
- 12-1002. Modifications.
- 12-1003. Available in recorder's office.
- 12-1004. Violations and penalty.

12-1001. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-516, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code,² 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #GWO-29, Aug. 1996, modified, as amended by Ord. #JT-01-2005-01, Feb. 2005, and Ord. #AW2010-01, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-1002. Modifications. Wherever the mechanical code refers to the "Code Official," it shall mean the person appointed or designated by the mayor to administer and enforce the provisions of the mechanical code. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-1003. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (as repealed and replaced by Ord. #AW2011-05, July 2011)

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-1004. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. (as repealed and replaced by Ord. #AW2011-05, July 2011)

CHAPTER 11**EXISTING BUILDINGS CODE**¹**SECTION**

- 12-1101. Existing buildings code adopted.
12-1102. Modifications.
12-1103. Available in recorder's office.
12-1104. Violations and penalty.

12-1101. Existing buildings code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-516, and for the purpose of providing a concise set of regulations and procedures to effect safety in occupancy, the International Existing Building Code,² 2006 edition, as prepared by the International Code Council, is adopted and the same is incorporated herein by reference, subject to modifications as hereinafter provided, and shall be known and referred to as the existing buildings code. (Ord. #GWO-29, Aug. 1996, modified, as amended by Ord. #JT-01-2005-01, Feb. 2005, and Ord. #AW2010-01, June 2010, and repealed and replaced by Ord. #AW2011-05, July 2011)

12-1102. Modifications. Whenever the standard existing buildings code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the mayor of the town Whenever the existing buildings code shall refer to the "Code Official," it shall mean such person designated by the mayor to administer and enforce the provisions of the various codes of the town. (as repealed and replaced by Ord. #AW2011-05, July 2011)

12-1103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the existing buildings code shall be placed on file in the office of the recorder and the same shall be kept there for the use and inspection of the public. (as repealed and replaced by Ord. #AW2011-05, July 2011)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-1104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the standard existing buildings code or any final order made pursuant thereto. Such violation is declared an offense against the town and for which punishment shall be a fine of not more than fifty dollars (\$50.00) for each such violation. Each day that a violation occurs shall be deemed a separate offense. The building official or his or her deputy or assistant is empowered to issue citations to answer in the municipal court of the city by any person, firm or corporation found to be in such violation. (as repealed and replaced by Ord. #AW2011-05, July 2011)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. NUISANCES.
4. ELIMINATION OF DANGEROUS STRUCTURES OR DWELLINGS.
5. ACCUMULATION OF WEEDS, JUNK CARS, ABANDONED APPLIANCES AND OTHER DEBRIS PROHIBITED.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailer court requirements.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the council shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1972 Code, § 8-401)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1972 Code, § 8-405)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211(10).

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1972 Code, § 8-406)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1972 Code, § 8-407)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1972 Code, § 8-408)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1972 Code, § 8-409)

13-107. House trailer court requirements. It shall be unlawful for any person to maintain or operate any house trailer court within the limits of the City of Camden except in compliance with the following requirements:

(1) **Definitions.** The terms used in this chapter are defined as follows:

(a) "Trailer court." The term trailer court shall mean any plot of ground within the City of Camden upon which two (2) or more trailer coaches, occupied or dwelling of sleeping purposes, are located.

(b) "Trailer coach." The term shall mean any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, provided that this definition shall not include transport trucks or vans equipped with sleeping space for a driver or drivers.

(c) "Dependent trailer coach." The term shall mean a trailer coach which does not have a toilet and a bathtub or shower.

(d) "Independent trailer coach." The term shall mean a trailer coach that has a toilet and a bathtub or shower.

(e) "Trailer coach space." The term shall mean a plot of ground within a trailer court designated for the accommodation of one (1) trailer coach.

(f) "Service building." The term shall mean a building housing toilet facilities for men and women, with slop-water closet and laundry facilities, and with separate bath or shower accommodations.

(g) "Health officer." Any person appointed by the council to serve in such capacity.

(h) "Person." Any and all persons, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state.

(2) Supervision by council of public health-rules and regulations. It shall be the duty of the council to exercise general supervision over the planning, location, and method of operation of trailer courts, and to adopt rules and regulations deemed necessary for the protection of the public health, welfare and comfort.

(3) Permits for trailer courts-issuance, suspension and revocation. No place or site within the City of Camden shall be established or maintained by any person as a trailer court unless he holds a valid permit issued by the health officer in the name of such person for the specific trailer court. The health officer is authorized to issue, suspend, or revoke permits in accordance with the provision of this chapter and any rules and regulations as may be adopted by the council.

(4) Inspections by health officer. The health officer is hereby authorized and directed to make inspections to determine the condition of trailer courts in order that he may perform his duty of safeguarding the health and safety of occupants of trailer courts and of the general public. The health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this section or of regulations promulgated thereunder.

(5) Location and planning. The trailer court shall be located on a well-drained site, shall be so located that its drainage will not endanger any water supply, and shall be in conformity with a plan approved by the health officer. The health officer may promulgate regulations for trailer-court location and plan approval, which shall provide for adequate drainage, space, lighting, safety, service buildings and other sanitary facilities necessary to protect the public health and prevent nuisances.

(6) Service buildings. Each trailer court that accepts a dependent trailer coach for parking shall be provided with one or more service buildings adequately equipped with flush-type toilet fixtures. No service building shall contain less than one (1) toilet for women, one (1) toilet for males, one (1) lavatory and shower for each sex, one (1) laundry tray, and one (1) slop-water closet. Dependent trailer coaches shall be parked not more than two hundred (200) feet from the service building.

Service buildings shall:

- (a) Be located fifteen (15) feet or more from any trailer-coach space;
- (b) Be of permanent construction, and be adequately lighted;
- (c) Be of moisture-resistant material, to permit frequent washing and cleaning;
- (d) Have sufficient toilet and laundry facilities, according to requirements promulgated by the health officer, to serve adequately both males and females;
- (e) Have adequate heating facilities to maintain a temperature of 70° F. during cold weather, and to supply a minimum of three (3) gallons of hot water per hour per coach space during time of peak demands;
- (f) Have all rooms well ventilated, with all openings effectively screened;
- (g) Have at least one (1) slop-water closet, supplied with hot and cold water, in a separate room.

(7) Water supply. An accessible, adequate, safe and potable supply of water shall be provided in each trailer court, capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per trailer-coach space. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the trailer court shall be made only after express approval has been granted by the health officer.

(8) Plumbing. All plumbing in the trailer court shall comply with state and local plumbing laws and regulations.

(9) Sewage disposal. Trailer courts shall be served by a public sewer system, if available, or by a private disposal system which has the approval of the health officer. Each trailer-coach space shall be provided with a satisfactory sewer connection. All sewage-disposal apparatus, including appurtenances thereto, shall be provided, maintained, and operated so as not to create a nuisance or health hazard.

(10) Refuse storage, collection and disposal. The storage, collection, and disposal of refuse in the court shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided, and shall be located not more than one hundred fifty (150) feet from any trailer-coach space. Garbage shall be collected and disposed of in an approved manner at least twice per week.

(11) Insect and rodent control. Insect and rodent-control measures to safeguard public health, as recommended by the health officer, shall be applied in the trailer court. The trailer court shall be kept free of rubbish, and shall be

maintained in a satisfactory condition at all times. All harborage places for rodents or hosts of insect vectors shall be eliminated. All breeding places for flies and mosquitoes shall be eliminated or effectively treated.

(12) Electric power. An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each trailer-coach space. The installation shall comply with all state and local electrical codes and ordinances. Such electrical outlets shall be weatherproof. No power line shall be permitted to lie on the ground, or to be suspended less than eighteen (18) feet above the ground.

(13) Liquefied petroleum gas. Liquefied petroleum gas for cooking purposes shall not be used at individual trailer coach spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in a trailer coach, nor within five (5) feet of a door thereof.

(14) Fire prevention. The court area shall be subject to the rules and regulations of the fire-prevention authorities having jurisdiction.

(15) Additions to trailers--parking restrictions. No permanent additions of any kind shall be built onto, nor become a part of, any trailer coach. Skirting of coaches is permissible, but such skirting shall not permanently attach the coach to the ground, provide a harborage for rodents, or create a fire hazard. The wheels of the coach shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the coach to prevent movement on the springs while the coach is parked and occupied.

(16) Communicable or contagious diseases. Every owner, operator, attendant, or other person operating a trailer court shall notify the local health officer immediately of any suspected communicable or contagious disease within the trailer court. In the case of diseases diagnosed by a physician as quarantinable, such owner, operator, attendant, or other person operating a trailer court shall not permit the departure of a trailer coach or its occupants, or the removal therefrom of clothing or other articles which have been exposed to infection, without approval of the health officer.

(17) Register to be maintained. Every trailer-court owner or operator shall maintain a register containing a record of all trailer coaches and occupants using the trailer court. Such register shall be available to any authorized person inspecting the court, and shall be preserved for the period required by the public health officer. Such register shall contain

- (a) The names and addresses of all trailer-coach occupants stopping in the court,
- (b) The make, model, and license number of each motor vehicle and trailer coach,
- (c) The state, territory, or county issuing the trailer license, and
- (d) The dates of arrival and departure of each trailer coach.

(18) Enforcement of regulations. It shall be the duty of the health officers to enforce the provisions of this section.

(19) Violation of statute or regulations--penalty. Any person or corporation who violates the provisions of this section or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements of the health officer after receipt of thirty (30) days' written notice of such requirements, shall be fined for each offense, and each day of continued violation after conviction shall constitute a separate offense.

(20) Application for permit. Each application for permit shall be made on a form prepared and distributed by the health officer and in the name of the person making application, and shall be accompanied by a diagram or map drawn to a scale no smaller than 1"-100' setting forth therein the geographical location, boundaries, drainage, buildings and sanitation facilities such as location of water and sewer lines, the number, location and size of all trailer coach spaces, together with the approval of other departments of the city or county as deemed necessary by the health officer.

(21) Trailer coach plot size and spacing of coaches. Trailer coach spaces shall be clearly defined and coaches parked so that there will be at least 15 feet of clear space between coaches or any attachment, such as a garage or porch, 15 feet between coaches and any building or structure, and at least 5 feet between any coach and trailer court property line. No trailer coach shall be located closer than 15 feet to any public street or highway.

The individual plot sizes for trailer coach spaces shall be determined as follows:

- (a) Minimum width shall be equal to the width of trailer plus 20 feet.
- (b) Minimum depth with end parking of automobile shall be equal to the length of trailer plus 30 feet.
- (c) Minimum depth with side or street parking shall be equal to the length of trailer plus 20 feet.

In no case shall the minimum width be less than 28 feet and the minimum depth less than 55 feet and such spaces shall be used only for parking trailer coaches no larger than 8 feet wide and 35 feet long.

(22) Water supply. Where a public water supply is available it shall be used exclusively. The development of an independent water supply to serve the trailer court shall be made only after express approval has been granted by the health officer. In those instances where an independent system is approved the water shall be from a supply properly located, protected, and operated, and shall be adequate and of a safe, sanitary quality. Samples of water for bacteriological examination shall be taken upon the initial approval of the physical structure and thereafter at least every four months and when any repair or alteration of the water supply system has been made. If a positive sample is obtained it will be the responsibility of the trailer court operator to provide such treatment as

is deemed necessary to maintain a safe, potable water supply. An individual water-service connection shall be provided for each trailer coach space.

(23) Sewage disposal. Each coach space shall be equipped with at least a 3-inch sewer connection, trapped below frost line and reaching at least 4 inches above the surface of the ground. The sewer connection should be protected by a concrete collar, at least 3 inches deep and extending, 12 inches from the connection in all directions. All sewer lines should be laid in trenches separated at least 10 feet horizontally from any drinking-water-supply line.

Every effort should be made to dispose of the sewage through a public sewerage system. In lieu of this a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall be not less than 750 gallons working capacity. This size tank would accommodate a maximum of two trailer coaches. For each additional trailer coach on such a single tank, a minimum liquid capacity of 175 gallons per trailer coach space shall be provided. The sewage from no more than 12 trailer coaches shall be disposed of in any one single tank installation. The size of such tank would be a minimum of 2500 gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and should be determined only on the basis of the percolation rate of the soil. The percolation rate should be determined as outlined in Appendix A of the Tennessee Department of Public Health Bulletin, entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories, and Institutions." This bulletin is available on request from the department. No trailer coach shall be placed over a soil absorption field.

(24) Disposal of refuse. All refuse shall be stored in standard metal containers, constructed of non-corrosive materials, equipped with tight-fitting lids, and with handles. Such containers shall have a capacity of not less than 20 gallons nor more than 30 gallons, except that the maximum size limitation shall not apply where facilities are available for handling containers mechanically. Each trailer coach shall be provided with a sufficient number of containers of adequate capacity to prevent overflow. The containers shall be stored above the ground level and so fastened or supported as not to be easily overturned. Centralized refuse storage facilities may be utilized provided that the maximum distance from any trailer coach served does not exceed 150 feet. Garbage and refuse shall be collected and/or disposed of in an approved manner at intervals not exceeding every 4 days.

(25) Electricity. An electrical outlet supplying at least 110 volts shall be provided for each trailer coach space, and shall be weatherproof and accessible to the parked trailer coach. All electrical installations shall be in compliance with the National Electrical Code, and shall satisfy all requirements of the local electrical service organization. (1972 Code, § 8-404)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1972 Code, § 8-410)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 3

NUISANCES

SECTION

13-301. Generally.

13-302. Violations enumerated.

13-303. Enforcement.

13-301. Generally. The council may by resolution declare the existence or continuance of any insanitary, unhealthy, unsafe, dangerous, hazardous, noisy, obnoxious or offensive condition which adversely affects the public health, safety, welfare and happiness of this municipality to be a nuisance. (1972 Code, § 4-501)

13-302. Violations enumerated. The specifications in this section of certain unhealthy, insanitary, unsafe, dangerous, hazardous, noisy, obnoxious or offensive conditions or situations shall not be held or construed to exclude others within the meaning of the general terms of § 13-301, of this chapter nor to limit the full application of the same. Any such insanitary, unhealthy, dangerous, obnoxious or offensive condition on, coming from, or related to the following conditions or situations may, in the sound discretion of the council, be declared a nuisance:

(1) Any awning or marquee similar to those usually or customarily placed above the pavement in front of business and public buildings,

(2) Any situation or condition arising in connection with any manufacturing business or establishment,

(3) Any lavatory unclean for more than three (3) weeks,

(4) Any dead animal left unburned or unburied for more than twenty four (24) hours,

(5) Any situation or condition that pollutes the atmosphere, water or soil of this municipality. (1972 Code, § 4-502)

13-303. Enforcement. In order to enforce the aforesaid resolution directing the abatement of a nuisance, such resolution shall describe fully the nature of the alleged nuisance, state the name or names of the suspected violators, the location or address where such nuisance is perpetrated, an order directing its abatement which provides a specified time which is reasonable for the suspected offender to either abate the alleged nuisance or to answer or deny the allegation before council.

Such resolution shall be served upon the suspected offender in the same manner that service of process is executed in similar suits at law. Upon the failure of the said offender to comply with the direction of the council, it may

order the abatement of the said nuisance at the expense of the person, persons or organization in question without further notice. (1972 Code, § 4-503)

CHAPTER 4

ELIMINATION OF DANGEROUS STRUCTURES OR DWELLINGS

SECTION

- 13-401. Purpose.
- 13-402. Definitions.
- 13-403. Unfit or dangerous structures.
- 13-404. Conditions rendering structure unfit or dangerous.
- 13-405. Designation of public officer.
- 13-406. Powers given public officer.
- 13-407. Service of complaints or orders.
- 13-408. Hearings on complaints or petitions.
- 13-409. Finding of dangerous or unfit structures.
- 13-410. Failure to comply with order of public officer.
- 13-411. Removal or demolition by municipality.
- 13-412. Recovery of cost and placement of liens.
- 13-413. Allocation of funds for program.
- 13-414. Applicability.
- 13-415. Conflicts.

13-401. Purpose. The purpose of this regulation is to provide the necessary administrative and legal procedures as required by Section 6.01 of the Charter of the City of Camden and Tennessee Code Annotated, § 13-21-103, for the designation of unsafe, hazardous or dangerous dwellings and structures and for the abatement of same within the municipality. (Ord. #EWJ-27, May 1989)

13-402. Definitions. The following terms wherever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

- (1) "Municipality" shall mean the City of Camden, Tennessee.
- (2) "Governing body" shall mean the Council of the City of Camden.
- (3) "Public officer" shall mean the officer or officers who are authorized hereinbelow to exercise the powers prescribed by this chapter.
- (4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or other activities concerning structures in the municipality.
- (5) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.
- (6) "Parties of interest" shall mean all individuals, associations, corporations and others who have interest of record in a structure and any who are in possession thereof.

(7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human residential habitation or abode or use, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

(9) "Structure" shall mean any dwelling, any place of public accommodation; any place wherein business, trade, commerce or manufacture is conducted; any advertising sign; fences or any other similar man-made facility or object. (Ord. #EWJ-27, May 1989)

13-403. Unfit or dangerous structures. All dwellings, structures and other similar facilities within the municipality which are unsuitable or unsafe for human occupancy or use due to dilapidation; defects increasing the hazards of fire, accident or other calamities; damage from fire; 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 or morals, or otherwise inimical to the welfare of the residents of the City of Camden, shall be upon proper investigation by the appropriate public official declared as an "Unfit or Dangerous Structure," and shall be and is hereby declared to be a public nuisance, which shall be upon application of the proper procedure by a public authority abated as directed. (Ord. #EWJ-27, May 1989)

13-404. Conditions rendering structure unfit or dangerous. The public officer may determine that a structure is unfit for human occupation or use, if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure; the occupants of neighboring structures or other residents of the municipality. 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, caused by neglect or fire or other such damage; disrepair; structural defects, or uncleanness. The public officer or public authority may also utilize the standards and requirements of other related adopted codes of the municipality, such as the building code, housing code, etc. (Ord. #EWJ-27, May 1989)

13-405. Designation of public officer. The codes enforcement official/building inspector is designated as the principal public officer for the administering and enforcement of the provisions of this chapter; however, the following duly elected or appointed and serving officers or employees of the City of Camden are also authorized to enforce the provisions of this chapter.

- (1) Fire marshal/fire chief
- (2) Chief of police

- (3) City recorder
- (4) City attorney
- (5) City mayor (Ord. #EWJ-27, May 1989)

13-406. Powers given public officer. The Council of the City of Camden hereby authorizes the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

- (1) To investigate conditions in the municipality in order to determine which structures therein are unfit for human occupation or use.
- (2) To administer oaths, affirmations, examine witnesses and receive evidence.
- (3) To enter upon premises for the purpose of making examinations, provided that such entries 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.
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #EWJ-27, May 1989)

13-407. Service of complaints or orders. Complaints or orders issued by a public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in the city's official newspaper. 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 Office of the Register, Benton County, Tennessee, and such filing of the complaint or order shall have the same force and effect as other lis penden notices provided by law. (Ord. #EWJ-27, May 1989)

13-408. Hearings on complaints or petitions. Whenever a petition is filed with the public officer by a public authority; or by at least five (5) residents of the municipality charging that any structure is dangerous or unfit for human occupation or use; or whenever it appears to the public officer (on his own motion) that any structure is dangerous or unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his

designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts in law or equity shall not be controlling in hearings before the public officer. (Ord. #EWJ-27, May 1989)

13-409. Finding of dangerous or unfit structures. If after such notice and hearing, the public officer determines that the structure under consideration is dangerous or unfit for human occupation or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order stating that:

(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 (fifty percent (50%) shall be considered a reasonable value) the owner will be required, within the time specified in the order, to repair, alter, or improve such structure to render it safe or fit for human occupation or use, or to vacate and close the structure as a place of human occupation or use; or

(2) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (fifty percent (50%) shall be considered reasonable), the owner will be required, within the time specified in the order, to remove or demolish such structure. (Ord. #EWJ-27, May 1989)

13-410. Failure to comply with order of public officer. If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed. The public officer may cause to be posted on the main entrance of any structure so closed (or on the most publicly visible point of a structure such as a billboard or a fence) a placard with the following words: "This structure or building is dangerous or unfit for human occupation or use, and the utilization of this structure of building for human occupation or use is prohibited and unlawful." (Ord. #EWJ-27, May 1989)

13-411. Removal or demolition by municipality. If the owner fails to comply with an order to remove or demolish the structures, the public officer may cause such structure to be removed or demolished. (Ord. #EWJ-27, May 1989)

13-412. Recovery of cost and placement of liens. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred.

(1) 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 removal or demolition, and any balance remaining shall be deposited in the chancery court 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.

(2) Nothing in this section or chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #EWJ-27, May 1989)

13-413. Allocation of funds for program. The governing body of the municipality shall prepare an estimate of the annual expenses or cost to establish, maintain and administer the program authorized by this chapter, and same shall be allocated and funded as a component of the city's annual general fund budget. (Ord. #EWJ-27, May 1989)

13-414. Applicability. The provisions of this chapter extend to all man-made structures within the municipality, including, but not limited to: residential dwellings or abodes; commercial, business or industrial facilities; storage buildings; barns, sheds, and outbuildings; towers; outdoor advertising signs or billboards, and fences. (Ord. #EWJ-27, May 1989)

13-415. Conflicts. In any case where the provisions of this chapter may be in conflict with the provisions of other chapters of the "Camden Municipal Code" which relate to the regulation of dangerous, unfit or nonconforming buildings or structures, the provisions of the chapter or regulation providing the highest degree of protection to the residents of the municipality shall prevail. (Ord. #EWJ-27, May 1989)

CHAPTER 5

ACCUMULATION OF WEEDS, JUNK CARS, ABANDONED APPLIANCES AND OTHER DEBRIS PROHIBITED

SECTION

13-501. Unlawful to allow weeds, junk cars, abandoned appliances and other debris to accumulate on the premises.

13-502. Definitions.

13-503. Notice to clean up premises by owner.

13-504. Cleaning up the premises by the city.

13-505. Collection of costs incurred by the city.

13-506. Administration.

13-507. Attorney's fee for collecting costs.

13-501. Unlawful to allow weeds, junk cars, abandoned appliances and other debris to accumulate on the premises. The owners of all lots or property within the corporate limits of the City of Camden are hereby required to cut, trim, or remove all weeds, grass, tree branches and offensive or hazardous materials from the site. It shall be unlawful for any person to allow junk cars, abandoned appliances and other debris to accumulate on property under his control. (Ord. #EWJ-28, May 1989)

13-502. Definitions. The purpose of this section is to eliminate ambiguity by providing full definition of certain words which are used in this chapter.

(1) "Weeds." Any of various usually common or abundantly growing plants measured to be a minimal of one foot in height, measuring from the base of the plant at ground-surface level.

(2) "Grass." Any of numerous plants of the family Graminea measured to be a minimal of one foot in height measuring from the base of the plant at ground-surface level.

(3) "Offensive or hazardous materials." Any tangible or intangible material which is disagreeable to the senses, and/or a material which may be dangerous to the environment or the people.

(4) "Junk car." Any automobile or any motor vehicle manufactured for transportation which is incapable of being self-propelled upon the public streets or which does not meet the requirements for operation upon the public streets, including current license and registration. Also, if the vehicle is not functional within 15 days of the notice and registered within 15 days is considered a junk car.

(5) "Abandoned appliances." Any manufactured appliance(s) not functional and not presently used for its manufactured purpose. (Ord. #EWJ-28, May 1989, as amended by Ord. #JT2003-3, Jan. 2004)

13-503. Notice to clean up premises by owner. Upon the failure of any owner to cut, trim, and remove all weeds, grass, tree branches, and offensive or hazardous materials and/or junk cars, abandoned appliances, and other debris as noted in the first section of this chapter, it shall be the duty of the building inspector/code enforcement officer, to serve a notice mailed by certified mail to the last known address of the person or persons having control over the offending premises, or such notice may be served personally to the owner of the property or may be posted on the property on which the violation exists. Service of notice shall consist of any of the above methods and shall state:

You are hereby notified that the premises under your control, being (property description) have been found to be in an unsanitary, unhealthy and unattractive condition.

You are directed by the City of Camden, Tennessee, to remove all accumulation of _____ (weeds, grass, tree branches, offensive or hazardous materials to include junk cars, abandoned appliances and other debris) from the premises with the next five (5) days at your own expense.

Should you fail to act upon this directive within the above described time the city shall take appropriate action. (Ord. #EWJ-28, May 1989)

13-504. Cleaning up the premises by the city. The owners of all lots or property in violation may request that the City of Camden, Tennessee, clean up the premises with the property owner re-imbursing the City of Camden for the costs incurred by the City of Camden for such cutting, cleaning or removal of his, her, or their property, and all such costs and payment methods shall be set by the City of Camden.

Upon the failure of any owner of lots or property to cut/remove or to cause to be cut/removed all violations specified in this chapter upon the property described in the sections above, within five (5) days thereof, the street department, acting through the direction of public works and at his direction, is authorized and directed to cut/remove or have cut/removed, trimmed, clipped, or cleared all such violations as specified in this chapter and a statement of the cost thereof shall be prepared by the office of the director of public works and filed with the city clerk for collection. Pursuant to the authority conferred by the General Assembly of Tennessee, a tax lien may be declared on such property for all costs and expenses, of cutting, clearing, or removing incurred by the street department if costs incurred are not re-imbursed to the City of Camden by the property owner after submission of statement of costs. (Ord. #EWJ-28, May 1989)

13-505. Collection of costs incurred by the city. Upon receipt of such statement of costs, the city clerk shall bill the owner, by certified mail, in a manner similar to that followed in mailing monthly utility bills, for the amount of the costs incurred by the City of Camden for such cutting or clearing of his property and all such bills or charges shall bear interest at the rate of 10% per annum, during that period of time commencing thirty (30) days after the date of mailing such bills or statements of charges and ending on the date of payment. At the same time unpaid real estate taxes are certified or turned over to the city attorney for collection, the city clerk may also certify or turn over to him for collection all unpaid and uncollected bills or charges for the cutting, trimming, or removal of the accumulated debris specified in this chapter and the city attorney shall file suit or take such other steps as may be necessary to enforce the lien for same on such property. (Ord. #EWJ-28, May 1989)

13-506. Administration. The city building inspector shall be responsible for the administration and enforcement of this chapter. (Ord. #EWJ-28, May 1989)

13-507. Attorney's fee for collecting costs. All uncollected sums for the cutting, trimming, and removal of the accumulated debris, as specified in this chapter, for each year, including interest and all costs incurred by the City of Camden for remedying the specified violation, after notice to the property owner as herein provided, are hereby declared to be a special tax to be collected as other general taxes levied by the City of Camden, including real estate taxes and special assessments. When placed in the hands of the city attorney for collection, 15% of the unpaid charges for such costs incurred by the City of Camden, shall be added to the principal and interest for the attorney's services in making such collections and retained by him. (Ord. #EWJ-28, May 1989)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION¹

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of nine (9) members; the terms of one (1) member appointed by the mayor shall be three (3) years; the terms of three (3) of the members appointed by the mayor shall be two (2) years; the terms of three (3) member appointed by the mayor shall be one (1) year. Two (2) of the members with one (1) year terms shall reside within the area outside the municipal boundaries in accordance with Tennessee Code Annotated, § 13-3-102 as amended by Public Chapter No. 253, Public Acts 2007 and as referenced in §§ 14-102 and 14-103 of this municipal code. The terms of the mayor and the member elected by the city council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. All members of the planning commission shall serve as such without compensation. (Ord. #HK-7, Sept. 1991, as amended by Ord. #AW2007-03, Aug. 2007)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1972 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1972 Code, § 11-103)

¹The bylaws of the municipal planning commission are available in the recorder's office.

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Camden shall be governed by Ordinance #98-09, titled "Zoning Ordinance, Camden, Tennessee," and any amendments thereto.¹

¹Ordinance #98-09, 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.

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Motorcycle riders, etc. required to wear helmets.
- 15-124. More than one person prohibited from riding motorcycles, etc.
- 15-125. Following too closely.
- 15-126. Pedestrians soliciting rides, etc. prohibited.
- 15-127. Compliance with financial responsibility law required.
- 15-128. Mini trucks, four wheel off-road vehicles, etc., prohibited.

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. (1972 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1972 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1972 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1972 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.
- (c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1972 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1972 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1972 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1972 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type

¹Municipal code references

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

²This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1972 Code, § 9-114, modified)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1972 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1972 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1972 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1972 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1972 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1972 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1972 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1972 Code, § 9-123)

15-118. 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. (1972 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1972 Code, § 9-125)

15-120. 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. (1972 Code, § 9-126)

15-121. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, or track is likely to damage the surface or foundation of the street. (1972 Code, § 9-119)

15-122. Bicycle riders, etc. The following regulations shall apply to the operation of all bicycles in the City of Camden:

(1) It shall be unlawful for any person to violate the provisions of this section.

(2) No person or guardian of a child shall authorize or knowingly permit any such child to violate the provisions of this section.

(3) Regulations contained in this section shall apply whenever a bicycle is operated upon any highway, street or path.

(4) Bicycle riders shall be granted all the rights and shall be subject to all the duties applicable to the driver or a motor vehicle.

(5) Persons operating bicycles upon a roadway shall ride as near the right side of such roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons shall not ride bicycles abreast on any thoroughfare except on those designated for that purpose.

(7) No person shall ride a bicycle other than upon or astride a permanent and regular seat attached thereto.

(8) No bicycle shall be used to carry more than one person.

(9) No person operating a bicycle shall carry any package, bundle or article which prevent the driver from keeping at least one hand upon the handle bars.

(10) Every bicycle shall be equipped with a lamp on the front which shall emit a white light visible from a distance, at night time, of at least five hundred (500) feet to the front with a red reflector on the rear of a type approved by the chief of police which shall be visible from all distances from fifty (50) feet to three hundred (300) feet in the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible for a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(11) It shall be unlawful to operate a bicycle unless it is equipped with a bell or other signaling device capable of giving a signal audible for a distance of one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(12) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry level pavement. (1972 Code, § 9-127)

15-123. Motorcycle riders, etc. required to wear helmets. It shall be unlawful to operate or ride upon any motorcycle, motorbike or motor scooter unless such person is equipped with and wearing on the head a safety helmet with secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. (1972 Code, § 9-128)

15-124. More than one person prohibited from riding motorcycle, etc. It shall be unlawful for more persons to ride on a motorcycle than it is designed to carry, or for the operator to not sit upon a regular and permanent seat attached to the vehicle. (1972 Code, § 9-129)

15-125. Following too closely. It shall be unlawful for the driver of a motor vehicle to follow another vehicle more closely than is reasonably prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the street. (1972 Code, § 9-130)

15-126. Pedestrians soliciting rides, etc. prohibited. It shall be unlawful for any person to stand in a roadway or street for the purpose of soliciting a ride from the occupant of any vehicle. (1972 Code, § 9-131)

15-127. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under 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.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, and insurance binder, or an insurance card from an insurance company authorized to 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.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #JT2002-1, April 2002)

15-128. Mini trucks, four wheel off-road vehicles, etc., prohibited. Mini trucks, four (4) wheel off-road vehicles, and golf carts are hereby prohibited from operating on the streets and highways of the City of Camden being so far as they may be used for the conveyance of an operator or passenger on a regular basis or as a substitute for a regularly registered and licensed automobile or other vehicle which is authorized to be licensed and registered under the general law of the State of Tennessee. (as added by Ord. #AW2011-02, July 2011)

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. (1972 Code, § 9-102)

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

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1972 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1972 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1972 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-305. Speed limit increase by resolution.

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. (1972 Code, § 9-201)

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. (1972 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1972 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1972 Code, § 9-204)

15-305. Speed limit increase by resolution. The established speed limit of thirty (30) miles per hour may be increased by resolution of the council to a speed of forty-five (45) miles per hour where official signs have been posted authorizing such speed. (1972 Code, § 9-205)

CHAPTER 4

TURNING MOVEMENTS**SECTION**

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1972 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1972 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1972 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1972 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1972 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.
- 15-511. Traffic signs must be in place and legible.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge 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. (1972 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1972 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1972 Code, § 9-403)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1972 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1972 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1972 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1972 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the municipality it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1972 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1972 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1972 Code, § 9-410)

15-511. Traffic signs must be in place and legible. No provision of this chapter for which signs are required shall be enforceable against an alleged violator, if at the time and place of the alleged violation the sign herein required is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice. (1972 Code, § 9-411)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. 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 municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits on any 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. (1972 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1972 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1972 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the municipality, nor:

- (1) On a sidewalk.
- (2) In front of any public or private driveway, or in or on any private way or place where the motoring public is invited, in such manner as to impede, block or unreasonably delay the free ingress or egress of motor traffic.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) On any street or public place so as to hinder the fire department in the execution of its duties, nor within twenty (20) feet of the driveway entrance to any fire station, nor within seventy-five (75) feet of the entrance on the opposite side of the street. The chief of the fire department is authorized to have any vehicle in violation of this provision towed away and held by the municipality at the expense of the owner.¹
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the municipality.
- (12) On a merchants parking lot after business hours, provided the merchant has a letter on file with the police department prohibiting parking after posted business hours. (1972 Code, § 9-504, modified)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1972 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the municipality, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays

¹Municipal code reference

Impoundment of vehicle: § 15-704.

declared by the council, parking shall be regulated by parking meters where the same have been installed by the municipality. The presumption shall be that all installed parking meters were lawfully installed by the municipality. (1972 Code, § 9-506)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1972 Code, § 9-507)

15-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1972 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1972 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1972 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States.

15-612. 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. (1972 Code, § 9-512)

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. Parking in restricted areas.
- 15-706. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall issue a written citation to him containing the following information:

- (1) The violator's name and address.
- (2) The operator's driving license number.
- (3) The license number of the motor vehicle involved.
- (4) Specify the speed at which the defendant is alleged to have driven and the speed limit in the area.
- (5) The date that the operator is cited to appear in city court.
- (6) Receive a written promise of the alleged violator to answer as specified in the citation.

It shall be unlawful for any alleged violator to give false information as to his name or address. (1972 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1972 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1972 Code, § 9-603, modified)

¹State 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 to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) per day shall also be charged. (1972 Code, § 9-604)

15-705. Parking in restricted areas. It shall be unlawful for any vehicle, other than emergency vehicles, to be parked in an area designated as a restricted area. Restricted areas include areas designated for emergency vehicles, i.e. ambulances, fire fighting equipment, police vehicles, and any other type of emergency vehicles. Violations of this section shall constitute a misdemeanor and be punishable by a fine of not less than \$10.00 or more than \$25.00. (Ord. #MPW-5, May 1992)

15-706. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days his fine shall be three dollars (\$3.00).

(b) Other parking violations. For other parking violations except as provided in § 15-705, the offense is punishable by a fine of not less than \$10.00 or more than \$25.00. (1972 Code, § 9-603, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks prohibited.
- 16-113. Fires in streets, etc.
- 16-114. Skating on sidewalks and pavement.
- 16-115. Prohibiting the washing of automobiles on the streets.
- 16-116. Repairing of motor vehicles on streets.
- 16-117. Breaking or destroying trees.
- 16-118. Entertainment on streets prohibited without permit.
- 16-119. Accumulation of ice and snow on sidewalks.
- 16-120. Basketball goals alongside or within public rights-of-way.

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. (1972 Code, § 12-201)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley, or sidewalk at a height of less than fourteen (14) feet. (1972 Code, § 12-202)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1972 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1972 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the council. (1972 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1972 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1972 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1972 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to

¹Municipal code reference

Building code: title 12, chapter 1.

remove all accumulated snow and ice from the abutting sidewalk. (1972 Code, § 12-209)

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1972 Code, § 12-210)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1972 Code, § 12-211, modified)

16-112. Animals and vehicles on sidewalks prohibited. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1972 Code, § 12-212)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1972 Code, § 12-213)

16-114. Skating on sidewalks and pavement. It shall be unlawful to use roller skates on the sidewalks or pavements of the City of Camden. (1972 Code, § 12-214)

16-115. Prohibiting the washing of automobiles on the streets. It shall be unlawful for any corporation, partnership, or person to use or cause to be used the streets and/or sidewalks of the City of Camden for the purpose of washing automobiles. (1972 Code, § 12-215)

16-116. Repairing of motor vehicles on streets. It shall be unlawful, except in case of emergency, to repair or attempt to repair any motor vehicle upon any of the streets or sidewalks of the city. (1972 Code, § 12-216)

16-117. Breaking or destroying trees. It shall be unlawful for any person to willfully break, pull down, injure or destroy any tree which is now or may be planted within the limits of the town; such person so offending shall be guilty of a misdemeanor; providing, that nothing in this section shall be so construed as to prevent the city from removing any shrub, hedge, tree, fence, or wall which it may deem so situated as to obstruct any street or sidewalk, or to prevent any owner of a lot from cutting down any tree on his lot. (1972 Code, § 12-217)

16-118. Entertainment on streets prohibited without permit. It shall be unlawful for any person to operate or conduct any show or entertainment or any public gathering upon any street of the city without first having obtained permission of the recorder so to do. (1972 Code, § 12-218)

16-119. Accumulation of ice and snow on sidewalk. It shall be unlawful for any owner or proprietor of any dwelling house, business house, or other house abutting on any public street within the city to allow snow or ice to accumulate for more than one (1) day on the sidewalk in front of his premises. (1972 Code, § 12-219)

16-120. Basketball goals alongside or within public rights-of-way. No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Camden so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

Any violation of this section shall be punishable by a fine of fifty dollars (\$50). (as added by Ord. #JT2004-4, June 2004)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1972 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended cut, excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1972 Code, § 12-102)

16-203. Fee. The fee for such permits shall be set from time to time by the board of mayor and aldermen by resolution. (1972 Code, § 12-103, modified)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum provided by resolution of the board of mayor and aldermen. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be reasonably adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1972 Code, § 12-104, modified)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1972 Code, § 12-105)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality 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

municipality, 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. (1972 Code, § 12-106)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1972 Code, § 12-107)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1972 Code, § 12-108)

16-209. Supervision. The chief of police 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 municipality 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. (1972 Code, § 12-109)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed twenty (20) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property the total width of the two way ingress and/or egress drive shall not exceed fifty (50) feet, and no part of the driveway shall extend into the street. (1972 Code, § 12-110)

TITLE 17**REFUSE AND TRASH DISPOSAL**¹**CHAPTER****1. REFUSE.****CHAPTER 1****REFUSE****SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Disturbing containers.
- 17-105. Collection.
- 17-106. Collection vehicles.
- 17-107. Disposal.

17-101. 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 in refuse containers. (1972 Code, § 8-101)

17-102. Premises to be kept clean. All persons within the City of Camden 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. (1972 Code, § 8-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality 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 maximum capacity shall not apply to larger containers which the municipality handles mechanically. Furthermore, except for containers which the municipality handles mechanically, the combined weight of any refuse

¹Municipal code reference

Property maintenance regulations: title 13.

container and its contents shall not exceed thirty (30) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids and placed in garbage bags. (Ord. #GWO-7, Feb. 1994)

17-104. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1972 Code, § 8-105)

17-105. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the council shall designate. Collections shall be made regularly in accordance with an announced schedule. (1972 Code, § 8-106)

17-106. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1972 Code, § 8-107)

17-107. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the council is expressly prohibited.

The disposal of any type medical wastes thru the use of the city sanitation collection system, either directly or indirectly is expressly prohibited.

Medical waste shall include but not be limited to the following:

Wastes generated by hospitalized patients who are isolated to protect others from communicable diseases (see the U.S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals, July, 1983 for definition of diseases requiring such isolation).

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

Waste human blood and blood products such as serum, plasma, and other blood components.

Pathological wastes (i.e., tissues, organs, body parts, and body fluids) that are removed during surgery and autopsy.

All discarded sharps (e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care for which have come into

contact with infectious agents during use in medical, research, or industrial laboratories.

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

Wastes from patients known or not known to be infected with blood-borne diseases.

Contaminated wastes from surgery and autopsy (such as soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, surgical gloves).

Wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents (e.g., specimen containers, slides and cover slips, disposable sheets, towels, gloves, aprons, and lab coats).

Discarded equipment and parts that were used in patient care, medical and industrial laboratories, research, and in the production and testing of certain pharmaceuticals and that may be contaminated with infectious agents. (1972 Code, § 8-108, as amended by Ord. #GWO-27, July 1996)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
2. WATER AND SEWERS.
3. SEWER USE ORDINANCE.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
5. FATS, OILS, AND GREASE.

CHAPTER 1

SEWAGE AND HUMAN EXCRETA DISPOSAL²

SECTION

- 18-101. Definitions.
- 18-102. Places required to have sanitary disposal methods.
- 18-103. When a connection to the public sewer is required.
- 18-104. Repair and replacement of sewer outfall lines.
- 18-105. When a septic tank shall be used.
- 18-106. Registration and records of septic tank cleaners, etc.
- 18-107. Use of pit privy or other method of disposal.
- 18-108. Approval and permit required for septic tanks, privies, etc.
- 18-109. Owner to provide disposal facilities.
- 18-110. Occupant to maintain disposal facilities.
- 18-111. Only specified methods of disposal to be used.
- 18-112. Discharge into watercourses restricted.
- 18-113. Pollution of ground water prohibited.
- 18-114. Enforcement of chapter.
- 18-115. Carnivals, circuses, etc.
- 18-116. Violations.

18-101. Definitions. The following definitions shall apply in the interpretation of this chapter:

- (1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200)

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Waterworks and sewerage commission: title 2, chapter 4.

²Municipal code reference

Plumbing code: title 12, chapter 2.

feet of any boundary of said property measured along the shortest available right-of-way;

(2) "Health officer." The health officer shall be any qualified person appointed or named for such position by the council.

(3) "Human excreta." The bowel and kidney discharges of human beings;

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Public Health as provided for in its 1958 bulletin entitled "Recommended Construction of Septic Tanks and Disposal Fields for Residential Users." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1972 Code, § 8-201)

18-102. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1972 Code, § 8-202)

18-103. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such

facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1972 Code, § 8-203)

18-104. Repair and replacement of sewer outfall lines. (1) Any property owner in the City of Camden, Tennessee, who is presently connected to the Camden Sewer System or who may hereinafter be connected to the City of Camden Sewer System shall maintain sewer outfall lines in a safe and sanitary condition free of leaks which may result in infiltration of the city sewer system.

(2) Upon discovery of an existing leak in the sewer outfall lines of a property owner, the board of mayor and aldermen of the City of Camden shall give written notice to the property owner requiring that such property owner make immediate repairs to the sewer outfall line.

(3) Upon receipt of the notice, the property owner shall immediately take steps to correct the condition of the outfall line. Should such property owner fail to make the necessary repairs in accordance with the specifications and requirements of the board of mayor and aldermen within a reasonable time, then and in that event, the city shall make the necessary repairs and assess the property owner for such repairs.

(4) In the event said property owner fails to make the repairs or to allow the city to make said repairs as hereinabove set forth, or should the property owner refuse to pay the assessment for the repairs if done by the city, then and in that event, the property owner shall forfeit his right to all utility services offered by the city including sewer and water services in addition to being subject to a fine not to exceed \$50.00 and costs of the cause. Each day that the condition exists shall constitute a new and separate offense. (1972 Code, § 8-204)

18-105. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1972 Code, § 8-205)

18-106. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage

disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1972 Code, § 8-206)

18-107. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1972 Code, § 8-207)

18-108. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1972 Code, § 8-208)

18-109. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner to provide such facilities. (1972 Code, § 8-209)

18-110. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1972 Code, § 8-210)

18-111. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1972 Code, § 8-211)

18-112. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1972 Code, § 8-212)

18-113. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or

artificial in any formation which may permit the pollution of ground water. (1972 Code, § 8-213)

18-114. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1972 Code, § 8-214)

18-115. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1972 Code, § 8-215)

18-116. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1972 Code, § 8-216)

CHAPTER 2**WATER AND SEWERS****SECTION**

- 18-201. Application for services.
- 18-202. Connection charges for water.
- 18-203. Charges for connection to sewer main.
- 18-204. Rates for water services.
- 18-205. Rates for sewer services.
- 18-206. All water users to be charged.
- 18-207. Billing.
- 18-208. Meter reading formula.
- 18-209. Inoperative or inaccurate meters.
- 18-210. Connection cost to be paid by the owner.
- 18-211. Tampering with system prohibited.
- 18-212. Charges for disconnecting and reconnecting of service.
- 18-213. Resident owners required to use sewer facilities.
- 18-214. Waterworks and sewer inspector, appointment, duties, etc.
- 18-215. Supply and resale of water.

18-201. Application for services. Each person desiring to subscribe for purchase of water or to tap into a sewer line shall be required to file a written application with the recorder setting forth the location of the purchaser, the date the proposed tap is to be made, and that it will be made by a qualified person.¹ Rules and regulations established by the waterworks and sewerage commission shall be considered a part of the agreement between the user and the municipality. All applications for such utility services shall be accompanied by a deposit in an amount and under such terms established by the council from time to time by resolution, as security for the prompt payment of all accounts. (1972 Code, § 13-201, modified)

18-202. Connection charges for water. Any person or corporation desiring to establish and/or connect to the city's water supply shall be required to provide the city with the following information:

- (1) A current State of Tennessee contractors license;
- (2) Bonding and insurance documentation;
- (3) All lines must be installed in accordance with the rules and regulations of the State of Tennessee and the Benton County Highway Department;
- (4) The contractor performing the installation shall be required to obtain an inspection by the city prior to connecting the line to the city's system;

¹Municipal code reference
Plumbing code: § 12-201.

(5) The contractor or owner of the line shall be responsible for its maintenance for a period of one (1) year following the installation of the waterline. (1972 Code, § 13-202, modified, as amended by Ord. #AW2007-06, Dec. 2007)

18-203. Charges for connection to sewer main. Any person who desires to subscribe for use of the municipal sewage system shall pay to the recorder such tapping fees as the council shall establish from time to time by resolution. (1972 Code, § 13-203, modified)

18-204. Rates for water services.¹ The monthly rate for purchase of water shall be furnished under such rate schedule as the municipality may from time to time adopt by resolution, providing that no rate shall be set, for the sale of water, which will impair or adversely affect the retirement of any bonds or interest arising out of the financial obligation created by the construction of the municipal waterworks system. (1972 Code, 13-204)

18-205. Rates for sewer services. The monthly rate for use of the sewer system shall be such as may be established by the council by resolution from time to time, providing that no rate shall be established, for the use of such sewers, which will impair or adversely affect the retirement of any bonds or interest arising out of the financial obligation created by the construction of the municipal sewer system. (1972 Code, § 13-205)

18-206. All water users to be charged. No water service shall be furnished or rendered free of charge to any person, firm or corporation. (1972 Code, § 13-206)

18-207. Billing. All bills for service rendered or furnished by the consolidated system shall include the charges for both water and sewers where the sewer charge applies. Each service shall be itemized but the charges shall be paid as one bill.

Any bill for services that remains past due and payable after the 10th of the month at which time the bill was due and payable, shall be paid by the 15th of said month including penalty as established by the council from time to time by resolution. Should it remain unpaid after that date, the city clerk recorder is authorized to order such users' service disconnected. (1972 Code, § 13-207, modified, as amended by Ord. #AW2007-05, Dec. 2007)

18-208. Meter reading formula. All meters shall be read monthly to the nearest one hundred (100) gallons. (1972 Code, § 13-208)

¹Ordinances affecting rates for water and services are available in the office of the city recorder.

18-209. Inoperative or inaccurate meters. Any meter found to be inoperative or inaccurate will be replaced or repaired as soon as possible. The charge for water used during such period shall be the average of the last three monthly bills. (1972 Code, § 13-209)

18-210. Connection cost to be paid by owner. Cost of completed service connections which include installing service lines, meters, meter boxes, yoke and other fittings, including pavement repair and other restorative work shall be paid by the owner. (1972 Code, § 13-210)

18-211. Tampering with system prohibited. It shall be unlawful for any person or persons to tamper with or change any water or sewerage system without first obtaining permission from the mayor. This provision particularly applies in all cases where service has been disconnected because of non-payment of a bill for services. (1972 Code, § 13-211)

18-212. Charges for disconnecting and reconnecting of service. When water services are disconnected as a result of any user's failure to pay charges for service, a fee shall be assessed against such user. At such time when services are reconnected a fee shall be assessed against the user for reconnection. Both fees, as the council shall establish from time to time by resolution, shall be paid by the user before service will be continued. (1972 Code, § 13-212, modified)

18-213. Resident owners required to use sewer facilities. Each property owner of the municipality shall be and is hereby required to connect and use the sewer facilities where such facilities are available. (1972 Code, § 13-213)

18-214. Waterworks and sewer inspector, appointment, duties, etc. The waterworks and sewer inspector shall be appointed by the council and shall serve during their pleasure. He shall be required to be present and supervise the tapping or any water and sewer main. No completed water or sewer line shall be covered until the waterworks and sewer inspector has made an inspection and approved or disapproved its installation. (1972 Code, § 13-214)

18-215. Supply and resale of water. All water shall be supplied within the city limits of the City of Camden, and no customer shall directly or indirectly sell, sublet, assign, or otherwise dispose of water or any part thereof. There shall be no private water wells established within the city limits of the City of Camden with the exception of existing wells that were grandfathered in prior to the adoption of this section. (as added by Ord. #AW2010-05, Dec. 2010)

CHAPTER 3**SEWER USE ORDINANCE¹****SECTION**

- 18-301. Purpose and policy.
- 18-302. Definitions.
- 18-303. Use of public sewers.
- 18-304. Building sewers, connections, and permits.
- 18-305. Private domestic wastewater disposal.
- 18-306. Prohibitions and limitations.
- 18-307. Control of prohibited pollutants.
- 18-308. Wastewater discharge permits.
- 18-309. Inspections, monitoring, and entry.
- 18-310. Enforcement.
- 18-311. Wastewater volume determination.
- 18-312. Wastewater charges and fees.
- 18-313. Administration.
- 18-314. Validity.

18-301. Purpose and policy. The purpose of this ordinance is to set uniform requirements for users of the city's wastewater collection system and treatment works to enable the city to comply with the provisions of the Clean Water Act and other applicable federal and state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the city's wastewater collection system and treatment works. This ordinance establishes conditions for connection to the sanitary sewer system. Certain acts which may be detrimental to the sewer system are prohibited. This ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to specific users. This ordinance also establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, may cause environmental damage, interfere with the use or disposal of sewage sludge, and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve the opportunities to recycle and reclaim the wastewater or sludge resulting from such treatment.

¹The enforcement response plan for the City of Camden Pretreatment Program is presented in its entirety as Appendix B.

This ordinance provides measures for the enforcement of its provisions and abatement of violations thereof.

This ordinance shall apply to the City of Camden and to persons outside the city limits who are, by contract or agreement with the City of Camden, users of the Camden POTW. Except as otherwise provided herein, the superintendent of the Camden POTW shall administer, implement, and enforce the provisions of this ordinance. (Ord. #EWJ-16, Dec. 1987, as replaced by Ord. #AW2011-04, July 2011)

18-302. Definitions. For the purposes of this ordinance, the following phrases and words shall have the meaning defined below:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, *et seq.*

(2) "Approved pretreatment program." A program administered by a POTW that meets the criteria established in chapter 40 of the Code of Federal Regulations (40 CFR) 403.8 and 403.9, and which has been approved by the regional administrator or state director in accordance with 40 CFR 403.11.

(3) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(4) "Board." The elected Mayor and Board of Alderman for the City of Camden.

(5) "BODs." Biochemical Oxygen Demand (five (5) day).

(6) "Building sewer." A sewer conveying wastewater from the premises of a user to a community sanitary sewer.

(7) "Bypass." The intentional diversion of waste streams from any portion of a treatment facility.

(8) "Categorical standards." National pretreatment standards established by the EPA for specific industrial user Standard Industrial Classification (SIC) code categories.

(9) "Combined sewer." A sewer which has been designed to carry both sanitary sewage and storm water runoff.

(10) "Composite sample." Sample consisting of several sample portions collected during a specified period (usually twenty-four (24) hours) and combined to form a representative sample. Composite samples can be collected on a flow proportional or timed basis, depending on the nature of the discharge.

(11) "Conventional pollutant." Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), pH, fecal coliform, and oil and grease.

(12) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Discharge monitoring report." A report submitted by an industrial user to the superintendent containing information regarding the nature and concentration of pollutants and flow characteristics of a discharge by the user to the POTW.

(14) "Environmental Protection Agency" or "EPA." An agency of the United States or its duly authorized representative.

(15) "Grab sample." A single sample of wastewater taken at neither set time nor flow over a period not to exceed fifteen (15) minutes.

(16) "Grease interceptor." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.

(17) "Grease trap." An interceptor whose rated flow exceeds fifty (50) gpm and is located outside the building.

(18) "Holding tank waste." Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. This specifically includes wastewater from industrial users conveyed to the POTW by any means other than by a standard sewer tie-on.

(19) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b) or (c) of the Act into the POTW for treatment before direct discharge to state waters.

(20) "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. For the purposes of this ordinance, an industrial user is a source of non-domestic wastes from industrial processes.

(21) "Infiltration." Water other than wastewater that enters a sewer system from the ground through such means as defective pipes, pipe joints, connections, or manholes.

(22) "Inflow." Water other than wastewater that enters a sewer system from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swamp areas, manhole covers, cross connections between storm and sanitary sewers, catch basins, storm water, surface runoff, street wash water, and drainage.

(23) "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.

(24) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

(25) "Mass discharge rate." The weight of material discharged to community sewer during a given time interval, normally given in pounds per day.

(26) "Medical wastes." Wastes capable of producing an infectious disease because they contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease.

(27) "National Pollutant Discharge Elimination System (NPDES)." 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 Act.

(28) "National pretreatment standard." Any regulations containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act which applies to industrial users. These terms also include prohibited discharges promulgated in 40 CFR 403.5 and local limits adopted as part of the city's pretreatment program.

(29) "New source." (a) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation, or removal of existing buildings,

structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(30) "Normal wastewater." Effluent which contains constituents and characteristics similar to effluent from a domestic premises, and specifically for the purpose of this ordinance, does not contain these constituents in excess of the following concentrations:

BOD ₅	300 mg/l
COD	600 mg/l
TKN	60 mg/l
NH ₃ -N	30 mg/l
TSS	300 mg/l
Oil and grease	100 mg/l

(31) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of any requirement of the POTW's NPDES permit.

(32) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representatives, agents, or assigns.

(33) "Pollution." The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

(34) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process change or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. Where wastewater from a regulated process is mixed with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

(35) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(36) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, which is owned in this instance by the City of Camden. This definition includes any sewers that convey wastewater to such a treatment works and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial waste, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

(37) "Shall" is mandatory; "may" is permissive.

(38) "Significant industrial user." (a) All dischargers subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N.

(b) All non-categorical dischargers that contribute a process waste stream which makes up five percent (5%) or more of the average dry weather capacity of the Wastewater Treatment Plant (WWTP), or more than an average of twenty-five thousand (25,000) gallons per day of process wastewater to the WWTP.

(c) All non-categorical dischargers that, in the opinion of the superintendent, have a reasonable potential to adversely affect the POTW's operations. This shall include but shall not be limited to all centralized waste treatment discharges, all tank and drum cleaning facilities, and all paint manufacturing facilities.

(d) All non-categorical discharges that contain more than one hundred (100) pounds per day of combined BOD₅ and TSS load above that level found in normal wastewater, or that contain more than one thousand (1,000) pounds in a month of combined BOD₅ and TSS load above that level found in normal wastewater.

(39) "Significant noncompliance." (a) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(b) Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements taken during a six (6) month period equal or exceed the product of the daily average maximum limit or average limit times the applicable TRC (TRC =1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the superintendent believes has caused, alone or in combination with other discharges, interference, or

pass through, including endangering the health of the POTW personnel and the general public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(e) Violation by ninety (90) days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days of the due date.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the superintendent considers to be significant.

(40) "Slug discharge." Any pollutants, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its employees or the environment. No user shall be permitted to discharge into the system until the need for slug control plans or procedures has been reviewed by the superintendent.

(41) "Standard industrial classification." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(42) "Superintendent." The person designated by the City of Camden to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this ordinance or his duly authorized representative.

(43) "Toxic pollutants." Any pollutant or combination of pollutants listed as toxic in 40 CFR part 401 as promulgated by the administrator of the Environmental Protection Agency under the provisions of the Act.

(44) "User." Any person, firm, corporation, or government entity that discharges, causes, or permits the discharge of wastewater into a community sewer system.

(45) "Wastewater." The liquid and water borne 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.

(46) "Wastewater constituents and characteristics." The individual chemical, physical, bacteriological, and radiological parameters, including toxicity, volume, and flow rate and such other parameters that serve to classify, define, or measure the contents, quality, quantity, and strength of wastewater.

(47) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state.

The following abbreviations shall have the following meanings:

(a)	BAT	Best Available Technology
(b)	BMP	Best Management Practices
(c)	BPT	Best Practical Technology
(d)	BOD ₅	Biochemical Oxygen Demand (five (5) day)
(e)	CFR	Code of Federal Regulations
(f)	COD	Chemical Oxygen Demand
(g)	CWA	Clean Water Act
(h)	EPA	Environmental Protection Agency
(i)	BMP	Best Management Practices
(j)	MBAS	Methylene Blue Activated Solids
(k)	mg/l	milligrams per liter
(l)	NPDES	National Pollutant Discharge Elimination System
(m)	POTW	Publicly Owned Treatment Works
(n)	RCRA	Resource Conservation and Recovery Act
(o)	SIC	Standard Industrial Classification
(p)	SWDA	Solid Waste Disposal Act
(q)	TDEC	Tennessee Department of Environment and Conservation
(r)	TSS	Total Suspend Solids
(s)	USC	United States Code
(t)	WWTP	Wastewater Treatment Plant. (Ord. #EWJ-16, Dec. 1987, as amended by #GWO-35, April 1997, and replaced by Ord. #AW2011-04, July 2011)

18-303. Use of public sewers. (1) Connection with sanitary sewer required. (a) Sewer connection required. Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within five hundred feet (500') of the building drain of the parcel shall be considered as being served by the city's sanitary sewer system.

All buildings hereafter constructed on property which is served by the POTW shall not be occupied until the connection has been made. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the POTW shall cease to use any other method for the disposal of sewage except as provided for direct discharge by the TDEC or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available. The superintendent shall make any decision as to the availability of

sewers. Notwithstanding the above exceptions, all premises served by the POTW are subject to sewer use charges as described in § 18-312 of this ordinance.

(b) **Unconnected sewer service lines prohibited.** Except for discharge to a properly functioning septic tank system or discharges permitted by an NPDES permit issued by the TDEC, the discharge of sewage into places other than the POTW is prohibited. Newly annexed premises may continue to discharge to a properly functioning septic tank system until such time that the system is no longer functioning properly. At this time, the premises would be required to connect to the sanitary sewer.

(c) **Insufficient capacity, connection moratorium.** In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the TDEC, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

(2) **Adequate and minimum fixtures.** (a) Minimum number of fixtures. A dwelling shall have at least one (1) commode, one (1) bathtub or shower, one (1) lavatory, one (1) kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures, or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required by any other law or regulation, but not less than one (1) commode and one (1) hand washing lavatory.

(b) **Adequate water for disposal of waste.** It shall be unlawful for any person in possession of premises into which a pipe or other connection with the sanitary sewers and drains have been laid to permit the building to remain without adequate fixtures attached to allow sufficient quantity of water to be so applied as to properly carry off all waste matter and keep the same unobstructed.

(3) **Right to enter and inspect connection.** The superintendent, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 A.M. and 6:00 P.M. or at any other time in the event

of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the POTW's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(4) Demolished buildings. When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the superintendent of such a plug and allow same to be inspected prior to covering any work. If such a line is to be reused, it must first undergo inspection by the superintendent and be in conformity with the existing standards.

(5) Temporary discharges. No person shall discharge any substance directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer unless they have been issued a temporary permit by the superintendent. A temporary permit may be issued at the discretion of the superintendent to provide for discharges from portable facilities for festivals or public shows or for other reasonable purposes. The superintendent shall incorporate in such a temporary permit such conditions as he deems reasonably necessary to ensure compliance with the provisions of this ordinance. The user shall be required to pay reasonable charges and fees for the permit and service in an amount not less than the charges and fees for normal discharges. Any discharge other than through an approved building sewer or in accordance with a permit issued by the superintendent shall be unlawful.

(6) Vehicle wash racks. All gasoline stations, garages, self-service vehicle washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building official. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are industrial users as defined in § 18-308 of this ordinance, a permit as specified therein will be required.

(7) Grease, grit, oil, and lint traps. Restaurants, laundries, wash racks, service stations, private multi-user systems, engine or machinery repair shops, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the POTW sewers or threaten the safety of its employees, shall install and maintain a grease trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device

shall be subject to prior approval of the superintendent and constructed in accordance with applicable building codes.

(8) Multi-use private sewer systems. Excluding those industrial waste facilities with a permit issued pursuant to § 18-308, the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the POTW's sanitary sewer system and shall be responsible for any violations of the provisions of this chapter, including liability for the damage or injury caused to the POTW as a result of any discharge through the private system. (Ord. #EWJ-16, Dec. 1987, as replaced by Ord. #AW2011-04, July 2011)

18-304. Building sewers, connections, and permits. (1) Installation, maintenance, repair of sewer service lines. (a) Definition. A standard sanitary sewer service line is a minimum four inch (4") pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main trunk.

(b) Installation of sewer service lines. Four inch (4") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot (at least one percent (1%)). 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. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one (1) of the following approved materials:

- (i) Cast iron soil pipe using rubber compression joints of approved type;
- (ii) Polyvinyl chloride pipe with solvent welded or rubber compression joints;
- (iii) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
- (iv) Similar materials of equal or superior quality following superintendent approval.

Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle of a type approved by the city, attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent (1%) or more. In cases where basement or floor levels are lower than the ground levels at the point of connection to the sewer, adequate precautions though the 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 sewer, wastes carried by such building drain shall be lifted by an approved means and discharged into the POTW sewer.

(c) Cleanouts. A cleanout shall be located five feet (5') outside of the building, one (1) as it taps on to the utility laterally and one (1) at each change of direction of the building sewer greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall extend 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") on a four inch (4") pipe.

(d) Fees. All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The city reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer connection has been provided for use by the applicant. The rate of charge will be established by the superintendent.

(e) Title and maintenance. When a property owner ties into a sanitary sewer service line and pays the appropriate sewer service line fees, the city, by appropriate instrument, shall convey and release to the property owner all its rights, title, and interest in the sanitary sewer service line so installed by the property owner or developer. Thereafter, all repairs and maintenance of the sanitary sewer service line shall be the responsibility of the property owner or user of the sewer; provided, for all sanitary sewer service lines hereafter installed by developers in subdivisions and not by the utility, for which no sewer service line charge is charged to the property owner, all repairs, and maintenance of such sanitary sewer service lines shall be the responsibility of either the property owner, user of the sewer, or the developer, as the owner, user, and developer shall agree by separate contract between themselves.

(f) Location of sewer stub-out. The plumbing contractor is responsible for locating the sewer stub-out. POTW personnel will provide whatever information is available for this purpose. If no "Y" or tee exists within three feet (3') of either side of the location shown on the sewer plats, then a tap will be provided by the POTW when the sewer main is exposed. If a manhole needed for locating a service line has been lost, then the POTW shall be responsible for locating the manhole.

(g) Taps on utility sewers. All taps made directly into the city's sewer lines shall be made by the property owner or developer. The city shall inspect the tap after installation is completed. Only one (1) service line shall be allowed to be installed in a trench. New taps shall be made using a "Y"-type connection.

(h) Manhole requirements. A new manhole will be required whenever a sewer service line larger than six inches (6") is needed to tie into the city's sewer. The city shall excavate to the sewer and sufficiently expose the pipe for installation of the manhole. Sewer maintenance personnel shall install the manhole. The cost of the manhole, including labor and materials, shall be charged to the owner after construction is completed.

(i) Maintenance of service lines. All repairs and maintenance of the sewer service line to include correction of excessive inflow or infiltration shall be the responsibility of the property owner or user of the sewer. The city shall be responsible for the maintenance of collector lines only up to the point where the owner's service line connects to the city's lines.

(j) Methods of installation. The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation manuals. Any deviation from the prescribed procedures must be approved by the superintendent.

(k) Public safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from potential hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner acceptable to the city.

(l) Prohibitions. No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, or other sources of surface run-off or groundwater to a building sewer or drain which in turn is connected either directly or indirectly to the sanitary sewer.

(2) Service line to enter sewer at junction; exceptions. No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the superintendent. In any case where such permission has been given, the work shall be done under the inspection of the superintendent or his representative and at the risk and expense of the party making the connection.

(3) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-304 of this ordinance and an inspection has been performed by the superintendent or his representative.

Connections made without an approved application may be severed by order of the superintendent. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the permit application fee in an amount double the current fee.

The receipt by the city of a prospective customer's application for service shall in no way obligate the city to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the city's rules and regulations, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers may be granted for additional services by the superintendent for interim periods if compliance may be assured within a reasonable period of time.

(4) Acceptance of work. All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the city's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the superintendent. Any construction work where sewers are opened, uncovered, or undercut must also have the prior approval of the superintendent. (Ord. #EWJ-16, Dec. 1987, as replaced by Ord. #AW2011-04, July 2011)

18-305. Private domestic wastewater disposal. (1) Availability. Where a public sanitary sewer is not available under the provisions of § 18-303(1) of this ordinance, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section.

Where a public sewer shall become available, the building sewer shall be connected to the said sewer within ninety (90) days after official notification by the superintendent or his representative to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area or any newly annexed areas 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 sub-surface soil absorption facilities where the area of the lot

is less than that specified by the City of Camden and the Benton County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the city and the Benton County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the Benton 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 city and Benton County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the city and Benton 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 city and Benton County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all the recommendations of the TDEC, the Benton County Health Department, and the City of Camden. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(f) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the city and/or the Benton County Health Department. (Ord. #EWJ-16, Dec. 1987, and replaced by Ord. #AW2011-04, July 2011)

18-306. Prohibitions and limitations. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged to POTW. Pass through limitations issued by the TDEC are calculated based on receiving stream background, flow information, and water quality criteria at the WWTP effluent discharge location, and are used to establish plant protection criteria and local limitations. The plant protection criteria are listed in § 18-306(10) and local limits are applied to the industrial discharge permits. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in this section are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect the public health and environment, and to enable the city to meet requirements contained in its NPDES permit. The superintendent shall review said limitations from time to time to ensure that they are sufficient to protect the health and safety of POTW personnel and the operation of the

treatment works to enable the facility to comply with its NPDES permit, provide for a cost effective means of operating the treatment works, and protect the public health and environment. The superintendent shall recommend changes or modifications as necessary.

(2) Prohibited pollutants. No person shall introduce into the POTW any pollutant(s) which cause pass through or interference. Additionally, the following specific prohibitions apply:

(a) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, pollutants with a closed-cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit (sixty degrees (60°) Centigrade), as determined by a Pensky-Martens closed-cup tester, using the test method specified in the American Society for Testing and Materials (ASTM) D-93-79 or D-93-80k, or a Setaflash closed-cup tester, using the test method specified in ASTM D-3278-78, or pollutants which cause an exceedance of ten percent (10%) of the Lower Explosive Limit (LEL) at any point within the POTW.

(b) Pollutants which cause corrosive structural damage to the POTW, but in no case discharge with a pH less than 5.0.

(c) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which may cause damage to the POTW, including waxy or other materials which tend to clog or coat a sewer line or other related appurtenances.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength (slug) so as to cause interference in the POTW or individual unit operations or cause adverse effects on its workers or the environment.

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds one hundred four degrees (104°) Fahrenheit (forty degrees (40°) Centigrade).

(f) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(g) Any trucked or hauled pollutants, except at discharge points specified by the POTW.

(h) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that cause interference or pass through.

(i) Any pollutant which causes a discoloration of the WWTP effluent resulting in a degradation of receiving water quality or NPDES permit violation.

(3) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions

established in § 18-306(2) of this ordinance where the user can demonstrate one (1) of the following:

(a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference.

(b) A local limit designed to prevent pass through and/or interference, as the case may be, was developed pursuant to § 18-306(10) and (11) of this ordinance for each pollutant in the user's discharge that caused pass through or interference and the user was in compliance with each such local limit directly prior to and during the pass through or interference.

(c) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass through or interference and the user's discharge directly prior to and during the pass through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the POTW was regularly in compliance with its NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(4) Wastewater constituent evaluation. The wastewater of every industrial user shall be evaluated using the following criteria:

(a) Wastewater containing any element or compound which is known to be an environmental hazard and which is not adequately removed by the treatment works.

(b) Wastewater causing a pass through, discoloration, foam, floating oil and grease, or any other condition in the quality of the treatment works effluent such that receiving water quality requirements established by law cannot be met or the city's NPDES permit requirements are violated.

(c) Wastewater causing conditions at or near the city's treatment works which violate any statute, rule, or regulation of any public agency of Tennessee or the United States.

(d) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.

(e) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scum causing them to be unsuitable for reclamation, reuse, causing interference with the reclamation process, or causing them to be unsuitable for disposal.

(f) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which may thereby cause special environmental problems or specific discharge limitations.

(g) Wastewater having constituents and concentrations in excess of those listed in § 18-306(10) or cause and exceedance of the limits in § 18-306(11).

(h) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.

(i) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the POTW influent.

The superintendent shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to §§ 18-306(5) and (10) of this ordinance in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria or that has processes that generate wastewater that could violate any of the above criteria prior to pretreatment as shall be reasonably necessary to achieve the purpose and policy of this section.

(5) National pretreatment standards. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to such a standard shall comply with all requirements and with any additional or more stringent limitations contained in this ordinance. Compliance with current or newly promulgated national pretreatment standards for existing sources shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation of the standard. New sources shall have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before commencing discharge. New sources must meet applicable pretreatment standard within ninety (90) days of commencement of discharge.

(6) Dilution. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(7) Limitations on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste into a community sewer, except as follows:

(a) When the person is authorized to use radioactive materials by the TDEC or the Nuclear Regulatory Commission (NRC).

(b) When the waste is discharged in strict conformity with applicable laws and regulations of the agencies having jurisdiction.

(c) When a copy of permits received from regulatory agencies has been filed with the superintendent.

(8) Septic tank hauling, pumping, and discharge. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge sewage directly or indirectly into the POTW, unless that person receives from the superintendent a septic tank discharge permit for each vehicle used in this manner. All applicants for a septic tank discharge permit shall complete the forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the superintendent.

(a) The owners of such vehicles shall affix and display the permit number in four inch (4") block figures on the side of each vehicle used for such purposes.

(b) The permit shall be valid for a period of three (3) years from date of issuance, provided that the permit shall be subject to suspension or revocation by the superintendent for violation of any of the provisions of the ordinance or other applicable laws or regulations. A revocation or suspension of the permit shall be for a period not to exceed five (5) years. Such revocation for suspension shall bind the permittee, any member of the immediate family of the permittee, or any person who has purchased the business or a substantial amount of the assets of the permittee. Users found operating in violation of a permit issued under this section and whose permit is therefore revoked by the superintendent, shall be notified of the violation by certified mail or by notice personally delivered to the user.

(c) Septic tank discharge permits are not automatically renewed. Application for renewal must be made to the superintendent.

(d) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. All other hauled wastes shall be governed by § 18-306(9). Any user transporting, collecting, or discharging non-domestic industrial process wastewaters or a mixture of such wastewaters with domestic wastewaters shall obtain a holding tank discharge permit in accordance with § 18-306(9).

(e) The superintendent shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.

(f) The superintendent shall have the authority to investigate the source of any hauled waste and to require testing the waste at the expense of the discharger prior to discharge.

(9) Other holding tank wastes. No user shall discharge any other holding tank wastes, including hauled industrial waste, into the POTW unless he has been issued a holding tank discharge permit by the superintendent.

Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. All applicants for a holding tank discharge permit shall complete forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the superintendent. All such dischargers and transporters must show that they have complied with federal manifests and other regulations of the RCRA. The permit shall state the specific location of the discharge, the time of the day the discharge is to occur, the volume of discharge, the source and character of the waste, and shall limit the wastewater constituents of the discharge. The user shall pay any applicable charges or fees and shall comply with the conditions of the permit.

(10) Criteria to protect the treatment plant influent. The POTW shall monitor the treatment plant influent for certain pollutants. Industrial users shall be subject to reporting and monitoring requirements as set forth in this ordinance. In the event that the influent at the POTW reaches or exceeds the established protection criteria levels, the superintendent shall initiate technical studies to determine the cause of the exceedance and shall recommend to the city the necessary remedial measures. The superintendent may also recommend changes to these criteria in the event that the POTW effluent standards are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the POTW.

Table 6.10
Plant Protection Criteria

Parameter	Maximum Concentration m/l
Benzene	0.003
Cadmium	0.0032
Carbon tetrachloride	0.015
Chloroform	0.14655
Chromium, III	Report
Chromium, VI	Report
Copper	0.160
Cyanide	0.02768
Ethylbenzene	0.02353
Lead	0.0176
Mercury	0.00005
Methylene chloride	1.250
Naphthalene	0.001
Nickel	0.2093

Parameter	Maximum Concentration m/l
Phenols (total)	0.100
Phthalates (total)	0.16974
Silver, daily max	0.00177
Tetrachloroethene	0.27778
Tolulene	0.02542
Trichloroethene	0.5
1,1,1 Trichloroethane	0.333
Trans 1,2 Dichloroethene	0.0125
Zinc	0.390

(11) Storm drainage, ground, unpolluted and contaminated storm water. (a) No storm water, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the city's sewer unless no other reasonable alternative is available, except with permission from the superintendent. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flow meter or a reasonable estimate accepted by the superintendent. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or storm water as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.

(b) The POTW will accept discharge of contaminated storm water if the following criteria are met:

(i) All known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden;

(ii) The contaminated storm water meets the POTW's discharge limits and all state and federal pretreatment requirements; and

(iii) The volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(12) Use of garbage disposals. No waste from garbage disposals shall be discharged into the POTW's sewers except from private garbage disposals used in an individual residence or upon permit issued by the superintendent for preparation of food consumed on premises, and then only when applicable fees are paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging

plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

(13) Hospital or medical waste. It shall be unlawful for any person to dispose of medical waste, surgical operating room waste, or delivery room waste into the sewer. Medical waste for the purpose of this ordinance means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(14) Obstruction or damage to sewer. It shall be unlawful for any person to deposit or cause to be deposited any waste which may obstruct or damage storm or sanitary sewer lines or which may inhibit, disrupt, or damage either system, including the sewage treatment process and operations. This prohibition includes all substances, whether liquid, solid, gaseous, or radioactive and whether associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing. It shall be unlawful to block or obstruct any catch basin, sewer line, or other appurtenance; or to break, injure, or remove any portion from any part of a sewer, drain, or catch basin, including plates covering manholes. (Ord. #EWJ-16, Dec. 1987, as amended by Ord. #GWO-16, Sept. 1994, and replaced by Ord. #AW2011-04, July 2011)

18-307. Control of prohibited pollutants. (1) Pretreatment requirements. Industrial users of the POTW shall design, construct, operate, and maintain wastewater pretreatment facilities when necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in § 18-306(10) and (11) of this ordinance, to meet applicable national pretreatment standards, to prevent slug discharges or to meet any other wastewater condition or limitation contained in the industrial user's wastewater discharge permit.

(2) Plans and specifications. Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, and dated by a competent environmental professional, and be submitted to the superintendent for review in accordance with accepted practices. The superintendent shall review the plans within thirty (30) days of receipt and recommend to the user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the superintendent. Prior to beginning construction, the industrial user shall also secure all necessary permits.

The user shall construct the pretreatment facility within the time frame specified in the compliance schedule of the wastewater discharge permit. Following completion of construction, the user shall provide the superintendent with as-built drawings to be maintained by the superintendent. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce effluent

complying with the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and approved by the superintendent prior to implementation.

(3) Prevention of accidental discharges. All 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 ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this ordinance. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of regulated waste shall be subject on a case by case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for accidental discharge. Plans, specifications, and operating procedures shall be developed by the user and submitted to the superintendent for review.

(4) Fat, Oil, and Grease (FOG) control program. (a) Purpose. The purpose of this section is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.

(b) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food, and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required for 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. Grease traps shall be cleaned on a quarterly basis to prevent discharge of grease and impact upon the wastewater collection and treatment system. Owners whose grease traps are deemed to be ineffective by the superintendent shall be required to increase the cleaning frequency. The superintendent may allow a less frequent cleaning schedule if it is deemed to be adequate enough to prevent discharge of grease to the collection and treatment system.

(c) Definitions. In the interpretation and application of this section the following words and phrases shall have the indicated meanings:

(i) "Grease interceptor." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.

(ii) "Grease trap." An interceptor whose rated flow exceeds fifty (50) gpm and is located outside the building.

(iii) "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.

(d) 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 discharge of FOG and food waste.

(e) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, caterers, manufacturing plants, and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.

(f) Implementation of plan. After approval of the FOG plan by the superintendent the sewer users must: implement the plan within a reasonable amount of time; service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If, in the opinion of the superintendent, the user continues to impact the collection system and treatment plant, additional pretreatment measures may be required.

(g) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(h) 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.

(i) Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with plumbing code and Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations, and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials, and overhead costs to the city. Nothing in this section shall be construed to prohibit or restrict any other remedy the city has under this ordinance, or state or federal law.

The city retains the right to inspect and approve installation of the control equipment.

(j) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited.

(k) Enforcement and penalties. Any person who violates this ordinance shall be guilty of a civil violation punishable under and according to the general penalty provision of the city's municipal code of ordinances. Each day's violation of this ordinance shall be considered a separate offense.

(l) Alteration of control methods. The city, through the superintendent, reserves the right to request additional control measures if measures taken are shown to be insufficient to protect sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand and soil, or lint.

(5) Slug control program. (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this section. A slug is defined as any pollutants, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its employees or the environment. No user shall be permitted to discharge into the system until the need for slug control plans or procedures has been reviewed by the superintendent.

(b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the superintendent for review and approval. All users required to have such a plan shall submit it within

thirty (30) days of notification by the superintendent and complete implementation within ninety (90) days of notification.

(c) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.

Within five (5) days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

(d) A notice shall be permanently posted on the user's premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.

(6) Prohibition of bypass. (a) Except as allowed in subsection (c) below, bypass is prohibited, and the superintendent may take enforcement action against an industrial user for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed.

(iii) The user submitted notices as required in § 18-309(13).

(b) The superintendent may approve an anticipated bypass after considering its adverse effect if the superintendent determines that it will meet the three (3) conditions listed in subsection (a) of this section.

(c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of § 18-309(13).

(7) Exceptions to wastewater limitations. (a) Applicability. This section provides a method for industrial users subject to the limitation on wastewater pollutants listed in § 18-306(10) and (11) to apply for and receive a temporary exemption to the discharge level for one (1) or more pollutants or parameters.

(b) Time of application. Applicants shall apply for a temporary exemption when they are required to apply for a wastewater discharge permit or renewal provided that the superintendent allows applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was denied by the board.

(c) Written applications. 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 superintendent pursuant to subsection (d) of this section.

(d) Review 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 superintendent upon application and for just cause. Upon receipt of a complete application, the superintendent shall evaluate it within thirty (30) days and approve or deny the application.

(e) Review by board. The board shall review any appeal to a denial by the superintendent of an application for an exception and shall take into account the same factors considered by the superintendent. At such a hearing, the applicant and the superintendent shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in § 18-310 shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.

(f) Best management practices. The superintendent or board shall not grant an exception unless the applicant demonstrates to the board that Best Management Practices (BMPs) are being employed to reduce or prevent the contribution of pollutants to the POTW. BMPs include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quantity or increase the quality of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage. (Ord. #EWJ-16, Dec. 1987, as replaced by Ord. #AW2011-04, July 2011)

18-308. Wastewater discharge permits. (1) Applicability. The provisions of this ordinance are applicable to all industrial users of the POTW. The city has an "approved POTW pretreatment program" as that term is defined in 40 CFR, part 403.3(d) and any permits issued hereunder to industrial users who are subject to or who become subject to a national categorical pretreatment standard shall be conditioned upon the industrial user also complying with all

applicable substantive and procedural requirements promulgated by the EPA or the State of Tennessee regarding such categorical standards unless an exception for the city's program or for the specific industrial categories is authorized.

(2) Application and permit requirements. Prior to discharging non-domestic waste into the POTW, all significant industrial users of the POTW shall obtain a wastewater discharge permit. The industrial user shall request that the superintendent determine if the proposed discharge is significant as defined in § 18-302. If the discharge is determined not to be significant, the superintendent may still establish appropriate discharge conditions for the user. Any noncategorical industrial user designated as significant may petition the superintendent to be deleted from the list as significant on the grounds that there exists no potential for adverse effect on the POTW's operation or violation of any pretreatment standard or requirement.

All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the superintendent, pay appropriate fees, and agree to abide by the provisions of this ordinance and any specific conditions or regulation established by the superintendent. All original applications shall be accompanied by a report containing the information specified in § 18-308(3). All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the superintendent when alterations or additions to the user's premises affect said plans.

(3) Report requirements. The report required for all significant industrial users by § 18-302(2) or other provisions of this ordinance shall contain in units and terms appropriate for evaluation the information listed in subsections (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the superintendent a report which contains the information listed in subsections (a) through (f) below within one hundred eighty (180) days after the promulgation by the EPA of a national pretreatment standard under section 307(b) or (c) of the Act. This report is called the Baseline Monitoring Report (BMR). Industrial users who are unable to achieve a discharge limit set forth in § 18-306 without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in subsections (a) through (g) of this section.

As specified, the report shall contain the following:

- (a) The name and address of the industrial user.
- (b) The location of the industrial user.
- (c) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.

(d) The average and maximum flow in gallons per day of discharge from the industrial user to the POTW.

(e) The nature and concentration of pollutants in the discharge from each regulated process, the type(s) of sample(s) collected (grab and/or composite), and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as approved by standard methods approved by the superintendent. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to superintendent for approval.

(f) A statement that has been reviewed by an authorized representative of the industrial user and certified by an environmental professional indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to achieve compliance.

(g) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, the report shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in the schedule shall be no later than the compliance date established for the applicable pretreatment standard.

(h) The industrial user shall submit a list of any environmental control permits held by or for the facility.

For purposes of this section when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by § 18-306. For purposes of this section, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-306.

(4) Incomplete applications. The superintendent will act only on applications that are accompanied by a report which lists all the information required in § 18-308(3). Industrial users who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of the deficiency and will be given thirty (30) days to correct such. If the deficiency is not corrected within that period or with such extended time as allowed by the superintendent, the superintendent shall deny the application and notify the applicant in writing of such action.

(5) Evaluation of application. Upon receipt of completed applications, the superintendent shall review and evaluate the applications and shall propose such special permit conditions as the superintendent deems advisable. All

wastewater discharge permits shall be expressly subject to all the provisions of this ordinance and all other applicable laws and regulations.

Per Tennessee Rule 1200-4-14-.08(6) the superintendent retains the legal authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the WWTP to violate its NPDES permit.

At a minimum, all industrial user permits must contain the following requirements (40 CFR 403.8(f)(1)(iii)(A-E)):

- (a) Statement of duration (in no case more than five (5) years);
- (b) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- (c) Effluent limits, including best management practices, based on applicable general pretreatment standards in 40 CFR part 403, categorical pretreatment standards, local limits, and state and local law;
- (d) Self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored, sample location, sampling frequency, and sample type, based on the applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and state and local law;
- (e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

The superintendent may also propose that the wastewater discharge permit be subject to one (1) or more special conditions in regard to any of the following:

- (a) Pretreatment requirements.
- (b) The average and maximum wastewater constituents.
- (c) Limits on rate and time of discharge for flow proportion.
- (d) Requirements for installation of inspection and sampling facilities.
- (e) Specifications for self-monitoring procedures.
- (f) Requirements for submission of technical and/or discharge reports.
- (g) Requirements for records maintenance.
- (h) Average and maximum mass emission rates, or other appropriate limits when toxic pollutants are proposed or present in the industrial user's wastewater discharge.

(i) Other conditions deemed appropriate by the superintendent to ensure compliance with the ordinance or other applicable law or regulation.

(j) A reasonable compliance schedule, as determined by the superintendent, up to one (1) year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.

(k) Requirements for a slug control plan to include the installation of facilities to prevent and control accidental discharges, slug discharges, or spills at the user's premises.

(l) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(6) Notification of proposed permit conditions. (a) Upon completion of the evaluation, the superintendent shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.

(b) The applicant shall have forty-five (45) days from and after the date of superintendent's recommendations for special permit conditions to review same and file written objections with the superintendent in regard to any special permit conditions recommended. The superintendent may, but is not required, to schedule a meeting with applicant's authorized representative within fifteen (15) days following receipt of the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.

(c) If applicant files no objection to special permit conditions proposed by the superintendent or a subsequent agreement is reached concerning same, the superintendent shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein.

(7) Board to establish permit conditions. (a) In the event that the superintendent cannot issue a permit pursuant to § 18-308(6) above, the superintendent shall submit to the board the proposed permit conditions and the applicant's written objections at the next regularly scheduled meeting of the board or at a specially convened meeting.

(b) The board shall schedule a hearing within thirty (30) days following the meeting referred to above unless such time is extended for just cause shown to resolve any disputed matters relevant to such permit.

(c) The superintendent shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the superintendent shall have the right to participate in the hearing and present any relevant evidence to the board concerning proposed special permit conditions or other matters being considered by the board.

(d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this ordinance or other applicable laws or regulations and direct the superintendent to issue a wastewater discharge permit to the applicant accordingly.

(8) Compliance schedule and reporting requirements. The following conditions shall apply to the schedules required by § 18-308(5) of this ordinance:

(a) Schedule components. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards.

(b) Schedule intervals. No such increment shall exceed nine (9) months.

(9) Duration of permits. Wastewater discharge permits shall be issued for a time period not to exceed five (5) years. Permits issued to industrial users pursuant to § 18-307(7) shall be issued for a period of one (1) year.

Industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such standards. The superintendent shall notify in writing any industrial user whom the superintendent has cause to believe is subject to a national pretreatment standard of the promulgation of such regulations, but any failure of the superintendent in this regard shall not relieve the user of the duty of complying with such standards. An industrial user must apply in writing for a renewal permit within a period of time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or change as such changes become necessary due to changes in applicable water quality standards, changes in the city's NPDES permit, changes in § 18-306(10) or (11), changes in other applicable law or regulation, or for other just cause. Users will be notified of any proposed changes in their permit by the superintendent at least thirty (30) days prior to the effective date of the change. Any change or new condition in the permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the superintendent in regard to any changed permit conditions as otherwise provided for in this ordinance.

(10) Transfer of permit. Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation, unless as approved by the superintendent.

(11) Revocation of a permit. Any permit issued under the provisions of this ordinance is subject to modification, suspension, or revocation in whole or in part during its term for cause, including but not limited to, the following:

(a) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation.

(b) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts.

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(d) Refusal of reasonable access to the user's premise for the purpose of inspection and monitoring. (Ord. #EWJ-16, Dec. 1987, as replaced by Ord. #AW2011-04, July 2011)

18-309. Inspections, monitoring, and entry. (1) Inspections, monitoring, and entry. (a) When required to carry out the objective of this ordinance, including but not limited to:

(i) Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition under this ordinance;

(ii) Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition;

(iii) Any requirement established under this section.

(b) The superintendent shall require any industrial user to:

(i) Establish and maintain records;

(ii) Make reports;

(iii) Install, use, and maintain monitoring equipment or methods, including biological monitoring methods when appropriate;

(iv) Sample effluent in accordance with these methods, at such locations and intervals and in such a manner as the superintendent shall prescribe;

(v) Provide such other information as the superintendent may reasonably require.

(c) Specific requirements under the provisions of subsection (b) of this section shall be established by the superintendent, or the board as applicable, for each industrial user, and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of any requirement under this provision shall depend on the nature of the user's discharge, the impact of the discharge upon the POTW, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement.

(d) The superintendent or his authorized representative, employees of the State of Tennessee, and employees of the EPA shall, upon presentation of credentials:

(i) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records required to be maintained under this ordinance are located.

(ii) Have access at reasonable times to and copy any records, inspect any monitoring equipment or method required of the user, and sample any discharge which the owner or operator of such source is required to sample.

(e) In the event any user denies the right of entry for inspection, sampling, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing other duties as shall be imposed upon the superintendent by this ordinance, the superintendent shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to perform the duties of this ordinance.

(f) Any user failing or refusing to perform any duty imposed upon the user under the provisions of this section, or who denies the right to enter the user's premises for purposes of inspection, sampling, inspecting and copying records, or other such duties as may be imposed upon the user by this section, shall be deemed to have violated the conditions of the wastewater discharge permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this ordinance. A user who does not have an industrial waste discharge permit and denies the right to inspect as described herein is subject to having the sewer service in question terminated.

(2) Reports. (a) Progress reports. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the superintendent, including as a minimum, whether it complied with the increment of progress to be met on such a date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(b) Ninety (90) day compliance report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-308(3)(d) through (f).

(c) Self-monitoring reports. (i) All significant industrial users shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or in the industrial user's permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. 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 submitted.

(ii) The superintendent, as applicable, may impose limitations on industrial users combining waste streams to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(d) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration or production rates and mass limits where requested by the superintendent, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the superintendent as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measured operation), the report shall include the user's actual average production rate for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

(3) Monitoring facilities. (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the superintendent.

All users who propose to discharge or who in the judgment of the POTW could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

(b) Installation. Required monitoring facilities shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewater. If sampling or metering equipment is also required by the POTW, it shall be provided, installed, and operated at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside the building. The POTW 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.

(c) Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for POTW, State of Tennessee, or EPA personnel. There shall be ample room in or near such a facility to allow accurate sampling and compositing of samples for analysis. The entire facility and any sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

(d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans and other documents within thirty (30) days and shall recommend any change deemed appropriate.

(e) Upon approval of plans and other documents, the industrial user shall secure all building, electrical, plumbing, and other permits required and proceed to construct any necessary facility and establish required operating procedures within the time provided in the industrial user's wastewater discharge permit.

(4) Sampling and analysis. (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.

(b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by the EPA shall be followed in all self-monitoring activities. A minimum of four (4) grab samples must be used for pH, cyanide, phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by subsections (e) and (h) of this section, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. All other samples shall be twenty-four (24) hour flow proportional composite samples, unless otherwise specified.

(c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the superintendent.

Any change in monitoring location will be subject to the approval of the superintendent.

(d) All analyses shall be performed in accordance with procedures established by the EPA under the provisions of section 304(h) of the Act and contained in 40 CFR part 136 and its amendments or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by EPA.

(5) Dangerous discharge notification. (a) Telephone notification. Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the POTW, shall notify the superintendent immediately by telephone. In the absence of the superintendent, notification shall be given to the POTW employee then in charge of the treatment works. Such notification will not relieve the user from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

(b) Written report. Within five (5) days following such an occurrence, the user shall provide the superintendent with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of a contact 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.

(6) Slug reporting. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by § 18-307(5), by the industrial user.

(7) Notification of hazardous waste discharge. (a) The user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge into the POTW of a substance which is a listed or characteristic waste under section 3001 of RCRA. Such notification must include a description of any such wastes discharged, specifying the volume and concentration of such wastes and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed wastes and estimating the volume of hazardous wastes expected to be discharged during the following twelve (12) months. The notification must take place within one

hundred eighty (180) days after the July 24, 1990 promulgation date of the domestic sewage study amendments to the pretreatment regulations. This requirement shall not apply to pollutants already reported under the self-monitoring requirements of § 18-309(2).

(b) Discharges are exempt from the requirements of this paragraph during a calendar month in which they generate no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.5(2), (f), (g), and (j). Generation of more than fifteen (15) kilograms of hazardous waste do not require additional notification, except for the acute hazardous wastes specified in 40 CFR 261.5(3), (f), (g), and (j).

(c) In the case of new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW of the discharge of such substance within ninety (90) days of the effective date of such regulations, except for the exemption in subsection (b) of this section.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(8) Notification of changed discharge and potential slug discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes, for which the user has submitted initial notification under § 18-309(7).

Notice of potential problems, including slug loading. All categorical and noncategorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 1200-4-14-.05(2), by the industrial user.

(9) Provisions governing fraud and false statements. The reports required to be submitted under this section shall be subject to the provisions of 18 USC 1001 relating to fraud and false statements and the provisions of sections 309(c)(4) and (6) of the Act, as amended, governing false statements, representation, or certifications in reports required by the Act.

(10) Signatory requirements for industrial user reports. The reports required by this section shall include a certification statement as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the

system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The reports shall be signed as follows:

(a) By a responsible corporate officer if the industrial user submitting the reports required by this section is a corporation. For the purpose of this paragraph, a responsible corporate officer is:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting reports required by this section is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representation of the individual designated in subsection (a) of this section if:

(i) The authorization is made in writing by the responsible corporate officer.

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a person in position of equivalent responsibility or with overall responsibility for environmental matters for the company.

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subsection (c) of this section is no longer accurate because a different individual or position has

responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) of this section must be submitted to the superintendent prior to or in conjunction with any reports to be signed by an authorized representative.

(11) Reporting of violation. If sampling performed by an industrial user indicates a violation, the user shall notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. The industrial user is not required to resample if one (1) of the following criteria is met:

(a) The POTW performs sampling at the industrial user at a frequency of at least once per month.

(b) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(12) Reporting of all monitoring. If an industrial user subject to the reporting requirements in § 18-308(3) of this ordinance monitors any pollutant more frequently than required by the superintendent using approved procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

(13) Notice of bypass. (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent.

(b) An industrial user shall submit oral notice to the superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(14) 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, including documentation associated with best management practices. 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.
- (e) The results of the analyses.

(15) Retention period. Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section), including documentation associated with best management practices, and shall make these records available for inspection and copying by the superintendent, TDEC Director of the Division of Water Pollution Control, and EPA. The retention period shall be extended during the course of any unresolved litigation regarding the user or upon request from the superintendent, the director, or the EPA.

(16) Confidential information. Any records, reports, or information obtained under this section shall:

- (a) In the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition; and
- (b) Be available to the public to the extent provided by 40 CFR, part 232.

If, upon showing to the superintendent by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the superintendent has access under this section, would divulge methods or processes entitled to protection as trade secrets of such person, the superintendent shall consider such record, report, or information, or particular portion thereof, confidential in accordance with the purposes of this section. Such record, report, or information may be disclosed to officers, employees, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the Act or when relevant in any proceeding under this article or other applicable laws. (Ord. #EWJ-16, Dec. 1987, as replaced by Ord. #AW2011-04, July 2011)

18-310. Enforcement. (1) Legal authority to enforce the enforcement response plan. The City of Camden retains the legal authority to enforce the provisions set forth in the enforcement response plan per Tennessee Rule 1200-4-14-.08(6)(e). The enforcement response plan contains detailed procedures indicating how the City of Camden will investigate, respond, and issue escalating levels of enforcement actions to instances of industrial user noncompliance.

- (2) Hearings. (a) Any hearing or re-hearing brought before the mayor and board of aldermen shall be conducted in accordance with following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this section, the superintendent shall give the petitioner ten (10) days written notice of the time and place of the hearing.

(ii) The hearing provided may be conducted by the mayor and board of alderman at a regular or special meeting. A quorum of the board must be present at the regular or special meeting in order to conduct the hearing.

(iii) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made pursuant to § 18-310(a)(vi). The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the superintendent to cover preparation fees.

(iv) In connection with the hearing, the chairperson of the board 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 the case of refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Benton County shall have the jurisdiction upon the application of the superintendent to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.

(v) On the basis of the evidence produced at the hearing, the board 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 chairperson.

(vi) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in § 18-310(2).

(vii) Any person to whom an emergency order is directed shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such a hearing be held later than three (3) days from the receipt of such a petition by the board.

(viii) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner

consistent with rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairperson to rule on such manners as would require a ruling by the court under said rules.

(ix) The superintendent shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the superintendent, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(x) Any person aggrieved by an order or determination of the superintendent where an appeal is not otherwise provided by this section may appeal said order or determination to be reviewed by the board under the provisions of this section. A written notice of appeal shall be filed with the superintendent, and said notice shall set forth with particularity the action or inaction of the superintendent complained of and the relief being sought by the person filing said appeal. A special meeting of the board may be called by the chairperson upon the filing of such an appeal, and the board may, at member's discretion, suspend the operation of the order or determination of the superintendent on which is based the appeal until such time as the board has acted upon the appeal.

(xi) The vice chairperson or the chairperson pro tem shall possess all the authority delegated to the chairperson by this section when acting in their absence or place.

(b) An appeal may be taken from any final order or other final determination of the superintendent or board by any party who is or may be adversely affected thereby to the chancery court pursuant to the common law writ of certiorari set in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made.

(3) Civil and criminal penalties. (a) Any person or user 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:

(i) Violates any effluent standard or limitation imposed by a pretreatment program.

(ii) Violates the terms or conditions of a permit issued pursuant to a pretreatment program.

(iii) Fails to complete a filing requirement of a pretreatment program.

(iv) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.

(v) Fails to pay user or cost recovery charges imposed by a pretreatment program.

(vi) Violates a final determination or order of the board.

(b) Any civil penalty shall be assessed in the following manner:

(i) The superintendent may issue an assessment against any person or user responsible for the violation.

(ii) Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the superintendent a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the mayor and board of aldermen. If a petition for review of the assessment is not filed within thirty (30) days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

(iii) When any assessment becomes final because of a person's failure to appeal the superintendent's assessment, the superintendent 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. Civil penalties will be assessed based on the following criteria:

(A) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.

(B) Damages to the POTW, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs, and attorney's fees incurred by the POTW as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.

(C) Cause of the discharge or violation.

(D) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters.

(E) Effectiveness of action taken by the violator.

(F) The technical and economic feasibility of reducing or eliminating the discharge.

(G) The economic benefit gained by the violator.

(iv) The superintendent may institute proceedings for assessment in the name of the City of Camden in the chancery court of the county in which all or part of the violation occurred.

(c) The mayor and board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the superintendent for certain specific violations or categories of violations.

(d) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Commissioner of Environment and Conservation for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). Provided, however, the sum of the penalties imposed by this section and by § 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 to occur.

(e) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

(4) Assessment of noncompliance. (a) The superintendent may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program.

(b) If an appeal from such assessment is not made to the superintendent by the polluter or violator within thirty (30) days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or any other sections of the ordinance, in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the POTW. The superintendent shall assess the expenses and damages incurred by the POTW to clear the obstruction, repair damage to the POTW, and otherwise rectify any impairment caused by the violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within thirty (30) days, the superintendent shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the POTW. If the person responsible refuses to pay, the superintendent 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 assessment.

(5) Judicial proceedings and relief. The superintendent may initiate proceedings in the Chancery Court of Benton County against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any article of this ordinance, or any order of the

superintendent and/or board. In such action, the superintendent may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Administrative enforcement remedies. (a) Notification of violation. When the superintendent finds that any user has violated or is violating this section, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon the user a written Notice of Violation (NOV). Within ten (10) days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

(b) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (d) below.

(c) Show-cause hearing. The superintendent may order any user which causes or contributes to a violation of this ordinance, its wastewater permit, or any order issued hereunder, to 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 this proposed enforcement action should not 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 principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the superintendent finds that a user has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(e) Cease and desist orders. When the superintendent finds that a user has violated or continues to violate this ordinance or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one (1) of the following:

(i) Comply with the order.

(ii) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) Emergency termination of service. When the superintendent finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW, the superintendent may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the superintendent deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the superintendent's order, the superintendent may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The superintendent may assess the person(s) responsible for the emergency condition for actual costs incurred by the superintendent in meeting the emergency.

If the emergency action adversely affects the user, the superintendent shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the superintendent may take any such authorized should the proof warrant such action.

(7) Disposition of damage payments and penalties. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the city and allocated and appropriated to the sewer system for the administration of its pretreatment program.

(8) Vandalism. Any and all damages incurred by the POTW due to acts of vandalism will be prosecuted to the full extent of the law. (Ord. #EWJ-16, Dec. 1987, as replaced by Ord. #AW2011-04, July 2011)

18-311. Wastewater volume determination. (1) Metered water supply. Charges and fees related to the volume of wastewater discharged to the POTW shall be based upon the user's total water consumption from all water supply sources. The total amount of water used shall be determined from public meters installed and maintained by the city and/or private meters installed and maintained at the expense of the user and approved by the city.

(2) Wastewater volume. When charges and fees based upon water usage and/or discharge and where, in the opinion of the POTW, a significant

portion of the water received from any metered source does not flow into the sewer because of the principle activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharged from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the city. The users may install a meter of a type and at a location approved by the city to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the superintendent.

(3) Estimated wastewater volume. For users where, in the opinion of the city, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the superintendent or his representative. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the POTW shall be used to estimate the wastewater discharge volume.

(4) Domestic flows. For the separate determination of the volumes of domestic and process flows from users for the purposes of calculating charges based on process wastewater flows alone, users shall install a meter of a type and at a location approved by the POTW. For users where, in the opinion of the POTW, it is unnecessary or impractical to install such a meter, the volume of the domestic and process wastewater shall be based upon an estimate prepared by the user and approved by the POTW. (as added by AW2011-04, July 2011)

18-312. Wastewater charges and fees. (1) Purpose and types of charges and fees. A schedule of charges and fees shall be adopted by the city which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program in order that sufficient revenues are collected to defray the POTW's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for equipment replacement, capital outlay, bond service costs, capital improvements, and depreciation.

(2) Types of charges and fees. The charges and fees established in the city's schedule of charges and fees may include, but not limited to, the following:

- (a) Sewer service line charges.
- (b) Tap fees.
- (c) Pretreatment program operating fees.
- (d) User charges.
- (e) Fees for monitoring requested by the user.
- (f) Fees for permit applications.
- (g) Fees based on wastewater characteristics and constituents.

- (h) Fees for discharge of holding tank wastes.
- (i) Inspection fees.
- (j) Industrial user permit fees.

(3) Determination of charges. Charges and fees shall be based upon a minimum basic charge for each premise, computed on the basis of normal wastewater from a domestic premise with the following characteristics:

BOD ₅	300 mg/l
COD	600 mg/l
Suspended solids	300 mg/l
Ammonia nitrogen	30 mg/l
Oil and grease	100 mg/l

The charges and fees for all users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that user as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of the user which may include, but not be limited to, BOD, COD, suspended solids, oil and grease, ammonia nitrogen, and flow volume.

(4) User charges. Each user of the POTW's sewer system will be levied a charge for payment of indebtedness of the city and for the user's proportionate share of the operation, maintenance, and replacement costs of the sewer system. A surcharge may be levied against those users with wastewater that exceeds the strength of normal wastewater as defined in this ordinance.

The user charge will be computed from a base charge plus applicable surcharge. The base charge will be the user's proportionate share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of any bond amortization costs of the city.

(a) Operation, Maintenance, and Replacement (OM&R) user charges. Each user's share of OM&R costs will be computed by the following formula:

$$C_u = (C_t / V_t) (V_u)$$

- Where:
- C_u = User's charge for OM&R per unit time.
 - C_t = Total OM&R costs per unit of time, less costs recovered from surcharges.
 - V_t = Total volume contribution from all users per unit time.
 - V_u = Volume contribution from individual user per unit time.

(b) Bonded indebtedness charges. Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and/or waste strength contribution to the system.

(c) User surcharges. The surcharge will be the user's proportionate share of the OM&R costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other pollutants in normal wastewater as listed in § 18-312(3) of this ordinance. The amount of surcharge will be determined by the following formula:

$$C_s = (B_c \times B) + (S_c \times S) + (P_c \times P) \times 8.34 \times V_u$$

Where:	C_s	=	Surcharge for wastewater exceeding the strength of normal wastewater expressed in dollars per billing period.
	B_c	=	OM&R cost for treatment of a unit of BOD ₅ expressed in dollars per pound.
	B	=	Concentration of BOD ₅ from a user above the base level of three hundred (300) mg/l, expressed in mg/l.
	S_c	=	OM&R costs for treatment of a unit of suspended solids expressed in dollars per pound.
	S	=	Concentration of suspended solids from a user above the base level of three hundred (300) mg/l, expressed in mg/l.
	P_c	=	OM&R costs for treatment of a unit of any pollutant which the POTW is committed to treat by virtue of an NPDES permit or other regulatory requirement, expressed in dollars per pound.
	P	=	Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharge will be established by the superintendent.
	V_u	=	Volume of contribution of a user per billing period in million gallons based on a twenty-four (24) hour average for a billing period.

The value of parameters used to determine user charges may vary from time to time. Therefore, the POTW is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken at least annually.

(d) Pretreatment program charges. Industrial users may be required to pay a separate pretreatment program charge. This charge will be based on the user's proportionate share of the costs of administering the POTW pretreatment program, which includes costs incurred by the POTW for verification monitoring, analysis, and reporting. Each user's

share of the pretreatment program costs will be computed by the following formula:

$$C_u = (C_t \times V_t) \times V_u$$

Where:

C_u	=	User's charge for POTW pretreatment program per unit of time.
C_t	=	Total POTW pretreatment program costs per unit time.
V_t	=	Total volume of contribution of permitted industrial users per unit of time.
V_u	=	Volume contribution from permitted industrial user per unit of time.

(5) Review of OM&R charges. The POTW shall review at least annually the wastewater contribution by users, the treatment works, and its approved user charge system. The POTW shall revise the user charges to accomplish the following:

(a) Maintain the proportionate distribution of OM&R costs among users or classes of users.

(b) Generate sufficient revenue to pay the total OM&R costs of the treatment works.

(c) Apply any excess revenues collected to the costs of OM&R for the next year and adjust rates accordingly.

(6) Charges for extraneous flows. The costs of operation and maintenance for all flow not directly attributable to users, e.g., infiltration/inflow, will be distributed proportionately among all users of the treatment works.

(7) Notification. Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to OM&R charges.

(8) Billing. Wastewater charges imposed by this ordinance shall be added to, included in, and collected with monthly water service bills, and shall be due and payable monthly. This shall not affect the right of the POTW to collect wastewater charges from customers who utilized private or public water supplies from other utilities and who discharge wastewater to the POTW.

(9) Collection. Wastewater charges and fees imposed by this ordinance shall be collected by the city in a manner established by the superintendent.

(10) Delinquent accounts. The city may discontinue water service to any customer who has a delinquent wastewater charge until such wastewater charge has been paid, except as provided by state or local law.

(11) Adjustments. The city shall make appropriate adjustments in the wastewater charge of sewer customers for over or under registration of utility

meters, leaks, or other recognized adjustments. (as added by AW2011-04, July 2011)

18-313. Administration. (1) Board of aldermen and mayor. In addition to any other duty or responsibility otherwise conferred upon the board by this ordinance, the mayor and board of aldermen shall have the duty and power as follows:

(a) To recommend amendments or modifications to the provisions of this ordinance.

(b) To grant exceptions pursuant to the provisions of §§ 18-307 and 18-308, and to determine such issues of law and fact as are necessary to perform this duty.

(c) To hold hearings upon appeals from orders of actions of the superintendent as may be provided under the provisions of this ordinance.

(d) To hold hearings related to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating hereto.

(e) To hold other hearings that may be required in the administration of this ordinance and to make determinations and issue orders necessary to effectuate the purposes of this ordinance.

(f) To request assistance from any officer, agent, or employee of the city and to obtain any necessary information or other assistance.

(g) The board, acting through its chairperson, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the board.

(h) The chairperson shall be authorized to administer oaths to people giving testimony.

(2) Superintendent. (a) Superintendent and staff. The superintendent and his/her staff shall be responsible for the administration of all parts of this section.

(b) Authority of superintendent. The superintendent shall have the authority to enforce all sections of this ordinance. The superintendent shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the POTW. The superintendent shall be responsible for preparation of operating budgets subject to the normal budgetary processes of the city.

(c) Records. The superintendent shall keep in his office or at an appropriate storage facility all applications required under this chapter a complete record thereof, including a record of all wastewater discharge permits.

(d) Notice of national pretreatment standard. The superintendent shall notify users identified in 40 CFR, part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the EPA under the provisions of section 204(b) of the Act (33 USC 1284), section 405 of the Act (33 USC 1345), or under the provisions of sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the superintendent to notify users shall not relieve the users from the responsibility of complying with these regulations.

(e) Public participation notice. The superintendent shall comply with the public participation requirements of 40 CFR, part 425 in the enforcement of national pretreatment standards. The superintendent shall at least annually provide public notification in the largest local newspaper of all significant industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant noncompliance if its violations meet one (1) or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(ii) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements taken during a six (6) month period equal or exceed the product of the daily average maximum limit or average limit times the applicable TRC (TRC =1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants except pH).

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the superintendent believes has caused, alone or in combination with other discharges, interference, or pass through, including endangering the health of the POTW personnel and the general public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(v) Violation by ninety (90) days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic

self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days of the due date.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations which the superintendent considers to be significant.

(f) Regulations and standards. The superintendent may promulgate rules, regulations, and design criteria not inconsistent with this ordinance and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the superintendent.

(g) Sewer credits. The superintendent shall approve secondary meters and determine other kinds of sewer use charge credits.

(h) Approves new construction. The superintendent shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances. (as added by AW2011-04, July 2011)

18-314. Validity. (1) Conflict. All ordinances or parts of ordinances inconsistent with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

(2) Savings clause. If any provision, paragraph, word, section, or subsection of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, works, sections, and subsections shall not be affected and shall continue in full force. (as added by AW2011-04, July 2011)

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹**SECTION**

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the City of Camden, Tennessee for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected 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 any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (Ord. #EWJ-5, May 1985)

18-402. Standards. The City of Camden, Tennessee Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #EWJ-5, May 1985)

18-403. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health 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 City of Camden Water Supply. (Ord. #EWJ-5, May 1985)

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 a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #EWJ-5, May 1985)

18-405. Inspections required. It shall be the duty of the superintendent of the 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 reinspections, based on potential health hazards involved, shall be established by the superintendent of the City of Camden, Tennessee Public Water Supply and as approved by the Tennessee Department of Health. (Ord. #EWJ-5, May 1985)

18-406. Right of entry for inspections. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Camden Public Water Supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the

inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #EWJ-5, May 1985)

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 City of Camden Public Water Supply.

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 City of Camden Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (Ord. #EWJ-5, May 1985)

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 official in charge of the water supply, 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 City of Camden Public Water Supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that

may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the public water supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the City of Camden, Tennessee Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Superintendent of the City of Camden, Tennessee Public Water Supply.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective device(s) 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 City of Camden, Tennessee Public Water Supply. (Ord. EWJ-5, May 1985)

18-409. Unpotable water to be labeled. The potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #EWJ-5, May 1985)

18-410. Violations. The requirements contained herein shall apply to all premises served by the City of Camden, Tennessee Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the City of Camden, Tennessee corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #EWJ-5, May 1985)

CHAPTER 5

FATS, OILS, AND GREASE

SECTION

- 18-501. Purpose.
- 18-502. Fat, oil, and grease (FOG), waste food, and sand interceptors.
- 18-503. Definitions.
- 18-504. Fat, oil, grease, and food waste.
- 18-505. Sand, soil, and oil interceptors.
- 18-506. Laundries.
- 18-507. Control equipment.
- 18-508. Solvents prohibited.
- 18-509. Enforcement and penalties.
- 18-510. Alterations of control methods.

18-501. Purpose. The purpose of this chapter is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations or the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant. (as added by Ord. #JT2006-2, May 2006)

18-502. Fat, oil, and grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. 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. (as added by Ord. #JT2006-2, May 2006)

18-503. Definitions. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

(6) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(7) "Grease trap." An interceptor whose rated flow exceeds 50 g.p.m. and is located outside the building.

(8) "Grease interceptor." An interceptor whose rated flow is 50 g.p.m. or less and is typically located inside the building. (as added by Ord. #JT2006-2, May 2006)

18-504. Fat, oil, grease, and food waste. (1) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(2) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.

(3) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must: implement the plan within a reasonable amount of time; service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment may be required. (as added by Ord. #JT2006-2, May 2006)

18-505. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size or the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers. (as added by Ord. #JT2006-2, May 2006)

18-506. Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids ½ inch or larger in size such as strings, rags, buttons, or other solids detrimental to the system. (as added by Ord. #JT2006-2, May 2006)

18-507. Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with

southern plumbing code and Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this section shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law.

The city retains the right to inspect and approve installation of the control equipment. (as added by Ord. #JT2006-2, May 2006)

18-508. Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. (as added by Ord. #JT2006-2, May 2006)

18-509. Enforcement and penalties. Any person who violates this chapter shall be guilty of a civil violation punishable under and according to the general penalty provision of the city's municipal code of ordinances. Each day's violation of this chapter shall be considered a separate offense. (as added by Ord. #JT2006-2, May 2006)

18-510. Alteration of control methods. The city through the superintendent reserves the right to request additional control measures if measures taken are shown to be insufficient to protect sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand/soil, or lint. (as added by Ord. #JT2006-2, May 2006)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY; STREETS AND OTHER PUBLIC WAYS AND PLACES.

CHAPTER 1

ELECTRICITY; STREETS AND OTHER PUBLIC WAYS AND PLACES¹

SECTION

19-101. Grant of franchise to Benton County to provide electricity and to use streets and other public ways and places.

19-101. Grant of franchise to Benton County to provide electricity and to use streets and other public ways and places.

(1) The mayor and alderman of the City of Camden, Tennessee (hereinafter referred to as "the municipality"), hereby grants to Benton County, Tennessee, its successors and assigns (hereinafter referred to as "the county"), the right, privilege, authority, and franchise for the purpose of supplying electric energy to the inhabitants of the municipality, to use the streets, avenue, alleys, public ways, rights of way, easements, or other similar property rights in the municipality necessary or convenient for such purposes.

(2) The county shall, by accepting this authority and franchise, agree that it will, upon making any excavation in the streets, avenues, alleys, public ways, and places of the municipality in the exercise of this franchise, restore the surface and paving at the point of such excavation to substantially the same condition as before the work was done within a reasonable time thereafter and will save the municipality harmless from any liability arising out of any change in the condition of any street, avenue, alley, public way, or place by the county.

(3) The rights, privileges, authorities, and franchise hereby granted shall continue in force and effect for a period of twenty (20) years from the date this chapter becomes effective.

(4) The municipality hereby covenants and agrees not to grant any other authority or franchise for an electrical plant or system during the term of the franchise hereby granted, insofar as an exclusive franchise now is or may

¹Municipal code reference
Electrical code: title 12.

hereafter be authorized or permitted by law to a public entity such as the county. (1972 Code, § 13-401)

TITLE 20**MISCELLANEOUS****CHAPTER**

1. FIXED ASSETS, PROPERTY CONTROL AND INVENTORY.
2. TELECOMMUNICATIONS.

CHAPTER 1**FIXED ASSETS, PROPERTY CONTROL AND INVENTORY****SECTION**

- 20-101. Purpose.
- 20-102. Definitions.
- 20-103. General provisions.
- 20-104. Fixed asset control.
- 20-105. Property control.
- 20-106. Inventory control.
- 20-107. Annual inventories.
- 20-108. Property disposal.
- 20-109. Penalties.

20-101. Purpose. To regulate administrative policy and procedure for the accountability and control of the city's fixed assets, personal property, and stored supplies and materials; for adequate inspection and inventory, and for the proper disposal of surplus, obsolete or salvage supplies, materials and/or equipment. (Ord. #JT-4, Sept. 1997)

20-102. Definitions. For the purpose of this regulation, the following definitions shall apply:

(1) "Fixed assets." Any and all real property, i.e., land, buildings, streets, roads and ways, sidewalks, storm drainage systems, water production, storage and distribution systems, sewage collection and treatment systems, and other such properties, the title to which is vested in the town.

(2) "Personal property." All other property, i.e., vehicles, construction and maintenance equipment, tools, communications equipment, office furnishings, machines and equipment, not classified as a fixed asset (real property).

(3) "Accountability level." The monetary limit which is established beyond which the item must be accounted for in the appropriate accounting records.

(4) "Inventory." The total quantity of supplies and materials maintained on hand for day-to-day operations, maintenance and repairs.

(5) "Obsolete assets." Assets which because of technical advances or changes in local requirements are no longer adequate to perform the required function, but which are otherwise in serviceable condition.

(6) "Property control officer." The individual designated by the mayor to be responsible for the creation and maintenance of all necessary records to provide for accurate control and accountability of all fixed assets, property and inventory of the city, or, failing such designation, the mayor him/herself.

(7) "Surplus assets, property or inventory." Assets, property or supplies and materials which are in good operating and functional condition, but are obsolete or no longer needed to accomplish the appropriate mission of the city government.

(8) "Salvage assets, property or inventory." Assets, property or supplies and materials which through use have reached a point where it is no longer economically feasible to repair and maintain them.

(9) "Disposal." The elimination of fixed assets, property or inventory which have been classified as "surplus," "obsolete" or "salvage" by authorized public sale or transfer to other governmental entities. (Ord. #JT-4, Sept. 1997)

20-103. General provisions. (1) The mayor, as the chief executive officer of the city, has ultimate responsibility for accountability and maintenance of all fixed assets, personal property and inventory owned by the city.

(2) The city recorder/director of finance shall be designated as the property control officer, shall be under the supervision of the mayor, and shall be assigned responsibility for the establishment and maintenance of all necessary controls and records to adequately account for all fixed assets, personal property and inventory of the city which are above the accountability level as hereinbelow established.

(3) The supervisor of each department or activity of the city government shall be responsible to the property control officer for the accountability of all fixed assets, personal property and/or inventory assigned to his or her respective department or activity.

(4) The property control officer shall provide the required control forms and records to be used in the city's property control program. These forms and records shall be standardized for all users. (Ord. #JT-4, Sept. 1997)

20-104. Fixed asset control. All fixed assets of the city, regardless of the individual unit cost, shall be an accountable item.

(1) Each building shall be a separately accountable item, and shall be identified on a "Land and Building Record" card. The property control officer shall be responsible for the records of the municipal building.

(2) Each separate tract or parcel of land shall be identified on a "Land and Building Record" card. The warranty deed, easement deed, etc., for each such tract will be filed in the city recorder's office.

(3) All other improvements which are classified as a fixed asset shall be identified on a "Fixed Asset Inventory Record" card by type of assets. For example, sewage systems, listed by component, i.e., sewer mains, sewage pumping station, etc.

(a) The initial classifications of such improvements will be coordinated with the property control officer to insure proper identification of each asset and subsequent changes to that asset.

(b) Fixed assets such as pipelines, streets, etc. will be listed by linear footage.

(4) When the provisions of this regulation are initially implemented, it will be necessary to make an estimate of the value of the item in those cases where the original value or cost cannot be ascertained. Thereafter, the acquisition price or fair market value shall be used to indicate the value.

(5) It shall be the responsibility of the supervisor of each department or activity of the city to notify the property control officer, on the prescribed asset change form, of all corrections, additions and/or deletions of accountable fixed assets. (Ord. #JT-4, Sept. 1997)

20-105. Property control. The accountability level for each item of non-expendable personal property, effective with the date of this regulation, shall normally be five hundred dollars (\$500); however, in those cases of small, critical items which require closer control, such as office machines, weapons, communications equipment, photographic equipment, laboratory equipment, etc., these items will be accountable, regardless of initial cost or current value.

(1) Each item of accountable personal property shall be identified on an individual "Property Control and Equipment Inventory Record" card; however, multiples of the same item may be placed on the same card and quantities, costs, serial numbers, item numbers, etc. listed thereon.

(2) The initial establishment of the property control procedures will require complete inventory and identification of all items to be placed under property control. Estimates as to value will be required where the original value or cost is unknown. Adequate nomenclature shall be established by the property control officer to insure that each item of equipment is adequately classified.

(3) Subsequent corrections, additions and/or deletions of items from the property control records shall be the responsibility of the supervisor of the department or activity to which the items are assigned. The property control officer shall provide the necessary form to be used for each such change. (Ord. #JT-4, Sept. 1997)

20-106. Inventory control. Each supervisor of a department or activity of the city government which stores or maintains a stockage (inventory) of spare parts and supplies or materials of significant value will be responsible for maintaining a "running inventory" of all such materials. The property control officer will provide the necessary inventory forms; however, these forms will be

maintained in the department or activity and available for review during audits. (Ord. #JT-4, Sept. 1997)

20-107. Annual inventories. A one hundred percent (100%) physical inventory of all fixed assets, personal property and inventory shall be conducted a minimum of once each fiscal year, during the month of May. The property control officer will provide each department or activity concerned the necessary inventory forms. This annual inventory will insure that all property is accounted, its serviceability noted, and the proper data posted to the appropriate property records for the annual audit of the city's records. (Ord. #JT-4, Sept. 1997)

20-108. Property disposal. All items of fixed assets, personal property and/or supplies and materials which have been determined to be surplus, obsolete or salvage items will be disposed of in the following manner:

(1) The supervisor of each department or activity of the city government which has such items to be disposed of will submit a "Request for Disposal" to the property control officer, who will refer the request to the mayor for approval.

(2) The mayor shall have the authority to authorize the disposal of such items where the value (sale price) is not expected to exceed \$500.00.

(3) The disposal of a surplus, obsolete or salvage item, the value of which is in excess of \$500.00, will require the approval of the board.

(4) The disposal of any real property of the city will require the approval of the board.

(5) All surplus, obsolete or salvage items to be sold shall be sold by either sealed bids or public auction, subsequent to the public advertisement of the sale at least one time in the city's official newspaper at least 14 days prior to the sale.

(a) With the authorization of the mayor, such items with a value of \$50.00 or less may be sold without bids or public auction; however, each such sale shall be reported to the board at its next regular meeting.

(b) The transfer of surplus, obsolete, or salvage items to other governmental entities may be accomplished on a negotiated basis, subject to the approval of the board. (Ord. #JT-4, Sept. 1997)

20-109. Penalties. The disposal of any fixed asset, personal property and/or inventory of supplies and materials owned by the city by any other manner or means than those hereinabove prescribed, unless the board has lawfully and specifically authorized an exception thereto, by any officer, official or employee of the City of Camden, or other individual(s), is an unlawful action and may subject the person or persons responsible to personal financial liability for any loss to the city incurred thereby, and may also result in other legal

recourse, and possible termination with prejudice of the employment by the city of such person or persons. (Ord. #JT-4, Sept. 1997)

CHAPTER 2

TELECOMMUNICATIONS

SECTION

- 20-201. Purpose.
- 20-202. Applicable scope.
- 20-203. Definitions.
- 20-204. Municipal right-of-way use permit required.
- 20-205. Application to provide telecommunications services using the public rights-of-way.
- 20-206. Municipal right-of-way use permit issuance.
- 20-207. Petition for reconsideration.
- 20-208. Administration and enforcement.
- 20-209. Applicability.
- 20-210. Compensation to city.
- 20-211. Remitting rental fees to the city.
- 20-212. Audits.
- 20-213. Transfers.
- 20-214. Notices to the city.
- 20-215. Construction obligations.
- 20-216. Conditions of rights-of-way occupancy.
- 20-217. Insurance requirements.
- 20-218. Indemnity.
- 20-219. Privacy of customer information.
- 20-220. Annexation; deannexation.
- 20-221. Unauthorized use of public rights-of-way.

20-201. Purpose. The purpose of this chapter is to establish a competitively neutral policy for usage of public rights-of-way for the provision of telecommunications services and enable the city to:

- (1) Permit non-discriminatory access to the public rights-of-way for providers of telecommunications services; and
- (2) Manage the public rights-of-way in order to minimize the impact and cost to the citizens of the placement of telecommunications facilities within the rights-of-way; and
- (3) Obtain fair and reasonable compensation for the commercial use of public rights-of-way through collection of rents; and
- (4) Promote competition among telecommunications service providers and encourage the universal availability of advanced telecommunications services to all residents and businesses of the city; and
- (5) Minimize the congestion, inconvenience, visual impact, and other adverse effects on the city's public rights-of-way. (Ord. #JT-1, Sept. 1997)

20-202. Applicable scope. This chapter applies to all telecommunications service providers under Titles II ("Title II") and VI ("Title VI") of the Communications Act of 1934, as amended, (47 U.S.C. 201 et seq.) excluding services provided solely by means of wireless transmission. This chapter does not exempt providers of cable service or open video systems service from the requirements of Title VI and applicable FCC rules and regulations. Any requirements and obligations imposed by this chapter are in addition to any requirements imposed by Title VI or state law and regulation on such providers. (Ord. #JT-1, Sept. 1997)

20-203. Definitions. (1) "Applicant." Any person who files an application with the city, under § 20-205 of this chapter, in order to obtain the necessary permission to use the public rights-of-way to provide telecommunications services within the city, whether by means of the person's own facilities or by means of capacity obtained from another provider of telecommunications services.

(2) "City." The City of Camden, the present municipal corporation of Camden, together with any future annexation made pursuant to law.

(3) "Chief administrative officer." The Chief Administrative Officer of the City of Camden, or the person designated by the city council to carry out the duties and responsibilities of the chief administrative officer. Chief administrative officer shall also mean the person under the chief administrative officer's management and control designated by the chief administrative officer to administer the provisions of this chapter.

(4) "City requirements." All laws, rules, regulations, policies and directives of general application of the City of Camden, in effect at present or to be adopted in the future by the city.

(5) "Gross revenue." All revenues received by a provider for telecommunications services furnished within the city. However, revenues received for use of network capacity, switched or unswitched access, and sale of unbundled elements under 47 U.S.C. 251 (b) and (c) from resellers of telecommunications services who are in compliance with this chapter are not included. Gross revenue does not include revenue uncollectible from customers ("bad debt") and any end user taxes collected from customers.

(6) "Municipal right-of-way use permit or municipal permit." The right granted by the city to use public rights-of-way to provide telecommunications services within the city to the public or to other providers, as specified by the terms of this chapter.

(7) "Person." Any person, firm, partnership, association, corporation, company or organization of any kind.

(8) "Provider." A person who has been granted a certificate of need by the Tennessee Regulatory Authority and/or who operates or uses a telecommunications network within the city to provide telecommunications services, and who falls under the definition of § 20-202 of this chapter.

(9) "Public rights-of-way." The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which the city holds any property interest or exercises any rights of management or control over and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation and maintenance of a telecommunications network.

(10) "Telecommunications network or network." All facilities placed in the public rights-of-way and used to provide telecommunications services.

(11) "Telecommunications services." All transmissions between or among points specified by the user, of information of the user's choosing (whether voice, video or data), without change in content of the information as sent and received, where such transmissions are accomplished through a telecommunications network. Telecommunications services include all ancillary or adjunct switching services and signal conversions rendered as a function of underlying transmission services, but excludes long distance transmissions (inter-LATA and intra-LATA toll transmissions). Telecommunications services include all services provided. Telecommunications services also include all content or value-added services rendered in conjunction with transmission services. (Ord. #JT-1, Sept. 1997)

20-204. Municipal right-of-way use permit required. (1) A person may not deliver telecommunications services in the city by means of a network unless the person obtains a municipal right-of-way use permit.

(2) The use of public rights-of-way for the delivery of any service not covered by this chapter is subject to all other applicable city requirements. (Ord. #JT-1, Sept. 1997)

20-205. Application to provide telecommunications services using the public rights-of-way. (1) Any person proposing to provide telecommunications services by means of a telecommunications network located within the public rights-of-way ("applicant") shall submit an application to the chief administrative officer. The application, in a form to be prescribed by the chief administrative officer, shall describe all services the applicant wishes to provide, outline applicant's proposed network, and identify the uses of and potential impact on the public rights-of-way.

(2) The chief administrative officer shall have the duty to review applications submitted under this chapter and administer the provisions of this chapter regarding the granting or denial of a municipal right-of-way use permit to applicants. The chief administrative officer shall issue municipal right-of-way use permits, and shall administer and enforce compliance with respect to all municipal right-of-way use permits granted under this chapter. The chief administrative officer shall submit a report annually to the city council

analyzing whether any requirements imposed by each section of this chapter result in

- (a) Anticompetitive effects in the market for telecommunications services in the city, as defined by federal law, and/or
- (b) Discrimination in favor of or against a holder of a certificate of need under state law. (Ord. #JT-1, Sept. 1997)

20-206. Municipal right-of-way use permit issuance. (1) If the chief administrative officer finds that the application meets the requirements of this chapter, the chief administrative officer shall cause to be prepared a municipal right-of-way use permit for issuance to the applicant.

(2) The chief administrative officer shall complete all deliberations towards issuing a municipal right-of-way use permit, and shall issue the permit or a written denial within 60 days of the receipt of an application. The applicant shall respond to all reasonable information requests of the chief administrative officer during this consideration period. Any delays in providing such information shall be documented in writing by the chief administrative officer, who may cite any delays or refusals in obtaining information from an applicant as grounds for denial of a permit. (Ord. #JT-1, Sept. 1997)

20-207. Petition for reconsideration. The act of granting, denying or terminating a municipal right-of-way use permit is an exercise of the police power of the city. A person whose application for a municipal right-of-way use permit is denied must petition the city council for reconsideration before seeking judicial remedies, and must file such a petition within 45 days of the written denial of such application by the chief administrative officer. A petition is considered denied if the city council does not act within 45 days after the petition is filed with the city clerk. (Ord. #JT-1, Sept. 1997).

20-208. Administration and enforcement. (1) The chief administrative officer shall administer this chapter and enforce compliance with a municipal right-of-way use permit granted under this chapter.

(2) A provider shall report information that the chief administrative officer requires in the form and manner prescribed by the chief administrative officer relating to the use of public rights-of-way for the right-of-way occupancy authorized by a municipal right-of-way use permit granted under this chapter.

(3) The chief administrative officer shall report to the city council the chief administrative officer's determination that a provider has failed to comply with this chapter. (Ord. #JT-1, Sept. 1997)

20-209. Applicability. (1) Sections 20-215, 20-216, and 20-217 of this chapter apply only to a provider that owns or controls physical facilities in the rights-of-way.

(2) Section 20-218 of this chapter applies to a provider that has a property interest in a network. (Ord. #JT-1, Sept. 1997)

20-210. Compensation to city. (1) To compensate the city for the use and occupancy of the public rights-of-way, a provider shall pay a municipal right-of-way rental fee calculated as follows:

(a) Rights-of-way rental fee: Each provider shall be subject to a 5% annual fee based on gross revenue obtained from the provision of telecommunications services within the city.

(b) Non-monetary consideration: To the extent allowed by state and federal law, the city may include non-monetary consideration from each provider. To the extent not expressly prohibited by applicable law, a provider may agree to furnish to the city non-monetary consideration in the form of telecommunications services, network capacity, conduit, or other infrastructure, valued at the provider's direct cost. The chief administrative officer shall apply a credit or an offset for any non-monetary consideration received to the annual right-of-way rental fee. The chief administrative officer shall publicly disclose the form of non-monetary consideration and the credit amount.

(c) Credit for cable television franchise fees and other contributions: Any telecommunications provider who is currently franchised by the city under state and federal law and regulations to provide cable television service shall receive a credit against the annual rights-of-way rental fee for any cable television franchise fees paid to the city, and any other monetary or non-monetary contributions to the city under a cable franchise agreement.

(2) A provider may pass through to customers the municipal right-of-way rental fee on a pro rata basis, at its discretion, as permitted by state and federal law. The city does not require or recommend a pass-through charge of the fee on a per line or per customer basis. (Ord. #JT-1, Sept. 1997)

20-211. Remitting rental fees to the city. A provider shall remit the municipal right-of-way rental fee on a quarterly basis. Payment shall be made on or before the 45th day following the close of each calendar quarter for which the payment is calculated. (Ord. #JT-1, Sept. 1997)

20-212. Audits. (1) On 30 days notice to a provider, the city may audit a provider at any time. The provider shall furnish information to demonstrate its compliance with the municipal right-of-way use permit.

(2) A provider shall keep complete and accurate books of accounts and records of business and operations in accordance with generally accepted accounting principles for a period of five years. If the Federal Communications Commission requires, a provider shall use the system of accounts and the forms

of books, accounts, records, and memoranda prescribed in 47 CFR Part 32 or its successor. The city may examine the provider's books and records.

(3) A provider shall make available to the city, for the city to examine, audit, review and copy, in the city's offices, upon the chief administrative officer's reasonable written request, its books and records including papers, books, accounts, documents, maps, plans and other provider records pertaining to a municipal right-of-way use permit granted under this chapter. A provider shall fully cooperate in making records available and otherwise assist the city examiner. The city examiner shall not make copies of customer specific information. (Ord. #JT-1, Sept. 1997)

20-213. Transfers. (1) A provider may not transfer a municipal right-of-way use permit unless the chief administrative officer approves the transfer in writing.

(2) A change in control of a provider is a transfer requiring chief administrative officer approval. A change of 25 percent or greater in the ownership of the provider establishes a rebuttable presumption of a change in control.

(3) If a provider attempts to transfer or transfers the provider's municipal right-of-way use permit without approval of the chief administrative officer, the chief administrative officer may revoke the municipal right-of-way use permit. If a municipal right-of-way use permit is revoked, all rights of the provider under the municipal right-of-way use permit end.

(4) A provider may transfer, without the chief administrative officer's approval, the facilities in the rights-of-way under a municipal right-of-way use permit to the provider's affiliate or to another provider who has a municipal right-of-way use permit under this chapter. The provider transferring the facilities remains subject to all applicable obligations and provisions of the municipal right-of-way use permit unless the provider to which the facilities are transferred is also subject to these applicable obligations and provisions.

(5) The chief administrative officer must act on a request for transfer of a municipal permit within 90 days of receipt of the request from the provider. Any request for a transfer of a municipal permit not acted upon within 90 days shall be deemed to have been approved. (Ord. #JT-1, Sept. 1997)

20-214. Notices to the city. (1) A provider shall notify the chief administrative officer in writing contemporaneously with the transmittal of all petitions, applications, written communications and reports submitted by the provider, to the Federal Communications Commission and the Tennessee Regulatory Authority, or their successor agencies relating to matters affecting both the use of public rights-of-way and the telecommunications services authorized by a municipal permit granted under this chapter. A provider shall furnish the chief administrative officer copies of the documents upon request.

(2) If a provider notifies the city of the confidential nature of information, the chief administrative officer shall maintain the confidentiality of the information to the extent permitted by law. Upon receipt in the chief administrative officer's office of requests for confidential information the city shall notify the affected providers of the request by facsimile transmission. (Ord. #JT-1, Sept. 1997)

20-215. Construction obligations. (1) A provider is subject to the police powers of the city, other governmental powers, and the city's rights as a property owner under state and federal laws. A provider is subject to city requirements and federal and state rules in connection with the construction, expansion, reconstruction, maintenance or repair of facilities in the public rights-of-way.

(2) A provider shall place certain facilities underground according to applicable city requirements.

(3) At the city's request, a provider shall furnish the city accurate and complete information relating to the construction, reconstruction, removal, maintenance, operation and repair of facilities performed by the provider in the public rights-of-way. If any information furnished is erroneous as to the location of facilities, and reliance on this information results in construction delays or additional expenses, the provider who furnished the erroneous information shall be liable for the cost of delays and the additional expenses.

(4) The construction, expansion, reconstruction, excavation, use, maintenance and operation of a provider's facilities and property are subject to applicable city requirements.

(a) A provider shall perform excavations and other construction in the public rights-of-way in accordance with all applicable city requirements, including the obligation to use trenchless technology whenever possible. The director of public works shall waive the requirement of trenchless technology if he determines that field conditions warrant the waiver. A provider shall minimize interference with the use of public and private property and shall follow the construction directions given by the city.

(b) When a provider completes construction work, a provider shall promptly restore the public rights-of-way in accordance with applicable city requirements. A provider may excavate only for the construction, installation, expansion, repair, removal, and maintenance of the provider's facilities.

(c) The city may require a provider to allow attachment of another provider's facilities to its poles and conduits, in accordance with the city charter, state and federal law.

(d) A provider shall furnish the director of public works and the chief administrative officer with construction plans and maps showing the routing of new construction at least 45 days before beginning

construction that involves an alteration to the surface or subsurface of the public right-of-way. A provider may not begin construction until the plans and drawings have been approved in writing by the director of public works.

(e) If the chief administrative officer declares an emergency and requests the removal or abatement of facilities, by written notice, a provider shall remove or abate the provider's facilities by the deadline provided in the chief administrative officer's request. A provider and the city shall cooperate to the extent possible to assure continuity of service. If a provider, after notice, fails or refuses to act, the city may remove or abate the facility, at the sole cost and expense of the provider, without paying compensation to the provider and without the city incurring liability for damages.

(f) Except in an emergency, a provider may not excavate the pavement of a street or public right-of-way without first complying with city requirements.

(g) Within 120 days of completion of each new segment of a provider's facilities, a provider shall supply the city with a complete set of "as built" drawings for the segment in a format prescribed by the director of public works. A provider must obtain the city's approval before relocating the provider's facilities in the public rights-of-way. The city may not unreasonably withhold approval. A provider shall furnish a revised map including additional facilities on June 30 of each year to the director of public works showing how these facilities connect to existing facilities. (Ord. #JT-1, Sept. 1997)

20-216. Conditions of rights-of-way occupancy. (1) In the exercise of governmental functions, the city has first priority over all other uses of the public rights-of-way. The city reserves the right to lay sewer, gas, water, and other pipe lines or cables and conduits, and to do underground and overhead work, and attachment, restructuring or changes in aerial facilities in, across, along, over or under a public street, alley or right-of-way occupied by a provider, and to change the curb, sidewalks or the grade of streets.

(2) In case of conflict or interference between the facilities of different providers, the provider whose facilities were first permitted shall have priority over a competing provider's use of the public rights-of-way.

(3) If, during the term of a municipal permit, the city authorizes abutting landowners to occupy space under the surface of any public street, alley, or rights-of-way, the grant to an abutting landowner shall be subject to the rights of the provider. If the city closes or abandons a public right-of-way that contains a portion of a provider's facilities, the city shall convey the land in the closed or abandoned public rights-of-way subject to the rights granted in the municipal permit.

(4) If the city gives written notice, a provider shall, at the provider's expense, temporarily or permanently, remove, relocate, change or alter the position of provider's facilities that are in the public rights-of-way within 120 days. The city shall give notice whenever the city has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a city or other governmental entity's public improvement in the public rights-of-way. This section shall not be construed to prevent a provider's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal.

(5) A provider who holds a municipal permit may trim trees in or over the rights-of-way for the safe and reliable operation, use and maintenance of its network. All tree trimming shall be performed in accordance with standards promulgated by the city. When ordered by the director of public works, tree trimming shall be done under the supervision of the city.

(6) Providers shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the city gives written notice of no less than 48 hours. The expense of this temporary rearrangement shall be paid by the party or parties requesting and benefitting from the temporary rearrangement. Provider may require prepayment or prior posting of a bond from the party requesting the temporary move. (Ord. #JT-1, Sept. 1997)

20-217. Insurance requirements. (1) A provider shall obtain and maintain insurance in the amounts prescribed by the chief administrative officer with an insurance company licensed to do business in the State of Tennessee acceptable to the chief administrative officer throughout the term of a municipal permit granted under this chapter. A provider shall furnish the city with proof of insurance at the time of issuance of a municipal permit. The city reserves the right to review the insurance requirements while a municipal permit is in effect, and to reasonably adjust insurance coverage and limits when the chief administrative officer determines that changes in statutory law, court decisions, or the claims history of the industry or the provider require adjustment of the coverage. For purposes of this section, the city will accept certificates of self-insurance issued by the State of Tennessee providing the same coverage.

(2) The chief administrative officer may, on request and at no cost to the city, receive copies of certificates of insurance evidencing the coverage required by this section. The chief administrative officer may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulation binding the city, the provider, or the underwriter. If the chief administrative officer requests a deletion, revision or modification, a provider shall exercise reasonable efforts to pay for and to accomplish the change.

An insurance certificate shall contain the following required provisions:

(a) Name the city and its officers, employees, board members and elected representatives as additional insureds for all applicable coverage;

(b) Provide for 30 days notice to the city for cancellation, non-renewal, or material change;

(c) Provide that notice of claims shall be provided to the chief administrative officer by certified mail; and

(d) Provide that the terms of the municipal permit which impose obligations on the provider concerning liability, duty, and standard of care, including the indemnity section, are included in the policy and that the risks are insured within the policy terms and conditions.

(3) A provider shall file and maintain proof of insurance with the chief administrative officer during the term of a municipal permit. An insurance certificate obtained in compliance with this section is subject to city approval. The city may require the certificate to be changed to reflect changing liability limits. A provider shall immediately advise the city of actual or potential litigation that may develop that would affect insurance coverage related to a municipal permit.

(4) An insurer has no right of recovery against the city. The required insurance policies shall protect the provider and the city. The insurance shall be primary coverage for losses covered by the policies.

(5) The policy clause "other insurance" shall not apply to the city where the city is an insured under the policy.

(6) The provider shall pay premiums and assessments. A company which issues an insurance policy has no recourse against the city for payment of a premium or assessment. Insurance policies obtained by a provider must provide that the issuing company waives all right of recovery by way of subrogation against the city in connection with damage covered by the policy. (Ord. #JT-1, Sept. 1997)

20-218. Indemnity. (1) During the term of a municipal permit, a provider is liable for the acts or omissions of an entity used by the provider, including an affiliate, when the entity is involved directly or indirectly in the construction and installation of the provider's facilities. The acts or omissions of the entity shall be considered the acts or omissions of the provider.

(2) Each provider granted a municipal permit under this chapter shall provide to the chief administrative officer, in writing, a statement that the provider agrees to defend, indemnify and hold the city harmless against all damages, cost, loss or expense arising out of, incident to, concerning or resulting from the negligence or willful misconduct of the provider, its agents, employees, or subcontractors, in the performance of activities under the municipal permit:

(a) For the repair, replacement, or restoration of city property, equipment materials, structures and facilities which are damaged, destroyed or found to be defective; and

(b) Against any and all claims, demands, suits, causes of action, and judgments for:

(i) Damage to or loss of the property of any person including, but not limited to the provider, its agents, officers, employees and subcontractors, the city's agents, officers and employees, and third parties; and

(ii) Death, bodily injury, illness, disease, worker's compensation, loss of services, or loss of income or wages to any person including but not limited to the agents, officers and employees of the provider, the provider's subcontractors, the city, and third parties, no matter how, or to whom the loss may occur.

(3) The chief administrative officer shall give prompt written notice to a provider of any claim for which the city seeks indemnification. The provider shall have the right to investigate, defend and compromise these claims subject to the city's prior approval. (Ord. #JT-1, Sept. 1997)

20-219. Privacy of customer information. A provider shall comply with state and federal law regarding privacy of customer information. (Ord. #JT-1, Sept. 1997)

20-220. Annexation; deannexation. Within thirty (30) days following the date of passage of any action affecting any deannexation or annexation, the chief administrative officer shall notify providers of this action by furnishing to the providers maps of the affected area(s), showing the new boundaries of the city. (Ord. #JT-1, Sept. 1997)

20-221. Unauthorized use of public rights-of-way. (1) A person commits an offense if a person uses the public rights-of-way to provide a telecommunications service without first securing a municipal permit from the city.

(2) Each unauthorized use of the public rights-of-way and each unauthorized placement of facilities constitutes a separate offense. Each day a violation of this chapter occurs shall constitute a distinct and separate offense.

(3) An offense under this subsection is punishable by a fine of \$500. (Ord. #JT-1, Sept. 1997)

APPENDIX A

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE EMPLOYEES OF CITY OF CAMDEN

<u>SECTION</u>	<u>PAGE</u>
I. PURPOSE AND COVERAGE	APP-A-2
II. DEFINITIONS	APP-A-2
III. EMPLOYER'S RIGHTS AND DUTIES	APP-A-4
IV. EMPLOYEE'S RIGHTS AND DUTIES	APP-A-5
V. ADMINISTRATION	APP-A-6
VI. STANDARDS AUTHORIZED	APP-A-8
VII. VARIANCE PROCEDURE	APP-A-8
VIII. RECORDKEEPING AND REPORTING	APP-A-10
IX. EMPLOYEE COMPLAINT PROCEDURE	APP-A-10
X. EDUCATION AND TRAINING	APP-A-11
XI. GENERAL INSPECTION PROCEDURES	APP-A-13
XII. IMMINENT DANGER PROCEDURES	APP-A-14
XIII. ABATEMENT ORDERS AND HEARINGS	APP-A-15
XIV. PENALTIES	APP-A-16
XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION	APP-A-16
XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED	APP-A-17
APPENDICES	
I. ORGANIZATIONAL CHART	APP-A-18
II. SAFETY AND HEALTH ORGANIZATIONAL CHART ¹	APP-A-18
III. EMPLOYEE NOTIFICATION	APP-A-19
IV. PROGRAM BUDGET	APP-A-21
V. ACCIDENT REPORTING PROCEDURES	APP-A-22

¹This appendix to the plan was deleted. The compiler has no record of the date of deletion.

I. PURPOSE AND COVERAGE.

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Camden.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Camden in electing to establish and maintain an effective occupational safety and health program for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor, his designated representatives, or persons within the Department of Labor to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor or his monitoring activities to determine the program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS.

For the purposes of this program, the following definitions apply:

- a. "Commissioner of Labor" means the chief executive officer of the Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.
- b. "Employer" means the City of Camden and includes each administrative department, board, commission, division, or other agency of the City of Camden.
- c. "Director of occupational safety and health" or "Director" means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers where assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the City of Camden.
- d. "Inspector(s)" means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
- f. "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. "Person" means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. "Standard" means an occupational safety and health standard promulgated by the Commissioner of Labor in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

- i. "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. "Establishment" or "worksite" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. "Serious injury or harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhabited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. "Act" or TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. "Governing body" means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. "Chief executive officer" means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor to inspect the employer's place(s) of business. Employer shall assist the Commissioner of Labor in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.

- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employee shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, responsibilities under this program.
 2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconvenience under this program.
 4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
 5. The Director shall prepare the report to the Commissioner of Labor required by subsection (g) of Section 1 of this plan.
 6. The Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, insure that the Commissioner of Labor receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
 1. The administrative or operational head shall follow the directions of the Director on all issues involving

occupational safety and health of employees as set forth in this plan.

2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by

- representatives by qualified personnel having first-hand knowledge of the facts represented.
3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor by registered or certified mail.
 - c. The Commissioner of Labor will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective program for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
 - d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a) (5) of this section).

VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 1978) or as may be prescribed by the Tennessee Department of Labor.
- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or

abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor. Any complaint filed with the Commissioner of Labor in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative or the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Director and/or Compliance Inspector(s):
 - 1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
 - 2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.
- b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. "Confined or enclosed space" means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be

responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis and may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
 - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
- i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately

- ascertain whether there is a reasonable basis for the allegation.
2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes as imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Director and Chief Executive Officer immediately.
 2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:
 1. Issue an abatement order to the head of the worksite.
 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 1. The standard, rule, or regulation which was found to violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the

duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

1. Oral reprimand.
2. Written reprimand.
3. Suspension for three (3) or more working days.
4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with and law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

GARY FARMER s/ Gary Farmer, Director
Director, Occupational Safety and Health

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN APPENDIX III

NOTICE TO ALL EMPLOYEES OF CITY OF CAMDEN

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

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

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

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director or Mayor and Board of Aldermen.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

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

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings of inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before Mayor and Board of Aldermen for assistance in obtaining relief or to file a complaint with the Commissioner of Labor alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of City of Camden available for inspection by any employee at Camden City Hall during regular office hours.

s/ Jim Travis
Mayor

OCCUPATIONAL SAFETY AND HEALTH PLAN

APPENDIX IV

PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc., for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the program
11. Contingencies and miscellaneous, TOTAL ESTIMATED PROGRAM FUNDING,

ESTIMATE OF TOTAL BUDGET FOR:

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN
ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Director or Compliance Inspector, if necessary) and will complete a written report

on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

- (51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers' Compensation Form 6A or OSHA NO. 101 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under PROGRAM PLAN in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parentheses in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

APPENDIX B

(Ord. #AW2011-04, July 2011)

**ENFORCEMENT RESPONSE PLAN
- City of Camden Pretreatment Program -**

Revision 0 - June 2001
Revision 2 - June 2008 (Proposed)

Table of Contents

INTRODUCTION APP-B-3
 Pretreatment Coordinator APP-B-3
 Superintendent APP-B-4
 City Administrator APP-B-4
 Attorney APP-B-4
 Consultant APP-B-5

PROVISIONS FOR ENFORCEMENT IN SEWER USE
ORDINANCE APP-B-6

ENFORCEMENT RESPONSE GUIDE APP-B-7
 Table IV.1 - Enforcement Response Guide APP-B-12
 Unauthorized Discharges (no permit) APP-B-12
 Discharge Permit Violation APP-B-12
 Monitoring and Reporting Violations APP-B-13
 Other Permit Violations APP-B-15
 Violations Detected During Site Visits APP-B-16

ENFORCEMENT RESPONSES APP-B-18
 Notice of Violation APP-B-18
 Administrative Order APP-B-18
 Consent Orders APP-B-18
 Show Cause Hearing APP-B-19
 Cease and desist order APP-B-19
 Termination of service APP-B-20

I. INTRODUCTION

A. The Domestic Sewage Study (DSS) amendments to the General Pretreatment Regulations (Federal Register, July 24, 1990) require all Publicly Owned Treatment Works (POTW) with approved pretreatment programs to develop and implement an Enforcement Response Plan. The regulations require that the plan shall contain detailed procedures of how the POTW will respond to instances of industrial user noncompliance. At a minimum, the plan shall:

- (1) Describe how the POTW will investigate instances of noncompliance;
- (2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (3) Identify by title the official(s) responsible for implementing each type of enforcement response;
- (4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards as provided in 40 CFR 403.8(1)(1) and (2).

When properly developed and implemented, the Enforcement Response Plan will provide the POTW with an efficient and objective means of responding to instances of industrial user noncompliance.

The following document details the steps to be taken by the City of Camden to achieve compliance with all State and Federal regulations and amendments. The primary document utilized in preparing this plan was the EPA publication "Guidelines for Developing Control Authority Enforcement Response Plans". Federal and State regulations (40 CFR Part 403 and Tennessee Code Annotated 69-3-101 through 129, respectively) were also used as reference documents.

B. The available personnel along with the minimum responsibilities that will be required of each title needed to implement the Enforcement Response Plan will consist of the following:

Pretreatment Coordinator - Person primarily responsible for day to day monitoring of compliance status of IUs. Will perform scheduled and

unscheduled sampling and field inspection of IUs. Will schedule sampling events for IUs and at WWTP. Will implement demand monitoring when deemed necessary. Primary responsibility for tracking IU information and for determining necessary levels of enforcement. Principle liaison between City and IUs. Will keep the Superintendent apprised of all developments regarding IU compliance status and will be the primary source of reference for higher levels of enforcement. Can make phone calls and/or issue notice of violation (NOV) for minor and moderate levels of non compliance. Will issue administrative orders (AO) and/or penalties s after consultation with Superintendent.

Superintendent -

At the request of the Pretreatment Coordinator, will institute higher degrees of enforcement (i.e., termination, criminal prosecution). Will inform upper level City officials of the background and need for such actions. Has authority to issue cease and desist orders and/or emergency termination of service when necessary. Has final authority on all levels of enforcement proceedings.

City Administrator -

Will be consulted on all enforcement proceedings involving civil penalties/actions, criminal investigation, show cause orders, and non-emergency termination of service.

Attorney -

Will assist POTW personnel and provide guidance on legality of chosen enforcement procedures against IUs. Reviews Sewer Use Ordinance (SUO) other pertinent documents to assure

conformance to state and Federal law. Represents City in any court action resulting from enforcement actions.

Consultant -

At the request of the POTW, will provide guidance in all aspects of compliance tracking and monitoring of IUs. Will provide technical expertise when necessary to assure that enforcement actions follow generally accepted protocol.

II. PROVISIONS FOR ENFORCEMENT IN SEWER USE ORDINANCE

The City of Camden Sewer Use Ordinance was revised and updated to include pretreatment and enforcement issues in June of 2001. Items dealing specifically with enforcement actions against violators can be found in Section 10.

III. ENFORCEMENT RESPONSE GUIDE

The City of Camden Pretreatment Program was approved by the State of Tennessee. However, the City is responsible for the enforcement of all Federal, State, and Local wastewater discharge regulations and is required to develop the ERP.

The primary purpose of the Enforcement Response Guide is to assure fair, consistent, and impartial enforcement. This section describes each type of violation and indicates a range of appropriate enforcement options.

For the purposes of this guide, insignificant non-compliance is considered a relatively minor or infrequent violation of pretreatment standards or requirements. These will usually be responded to with a Notice of Violation (NOV). Examples of violations which may be considered insignificant non-compliance are:

- Failure to file a permit renewal application but remaining in compliance with the expired permit.
- A reported spill with no adverse effects.
- Isolated, minor exceedences of discharge limits.
- Failure to properly sign or certify reports (1st instance).
- Missed interim or final compliance deadline by 30 days or less (good cause).
- Filing a late report (less than 5 days late).

Significant non-compliance has been defined by the Environmental Protection Agency (EPA) as violations which meet one or more of the following criteria:

- (1) Chronic violations. Sixty-six percent or more of the measurements exceed the daily maximum limit or monthly average limit in a six month period (any magnitude of exceedence). Any violation of a pH limit is considered a significant violation.
- (2) Technical review criteria (TRC) violations. Thirty-three percent or more of the measurements exceed the daily maximum limit or monthly average limit by more than the applicable TRC in a six-month period. (TRC =1.4 for BOD, TSS, and oil and grease; 1.2 for all other pollutants except pH).

- (3) Any other violation of effluent limits that is believed to have caused, alone or in combination with other discharges, interference or pass-through or endangered the health of the sewage treatment personnel or the public.
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Violations of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
- (6) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.
- (7) Failure to accurately report non-compliance.
- (8) Any other violation or group of violations considered to be significant.

In general, an isolated instance of non-compliance can be met with an informal response or with a NOV. Any significant non-compliance should be responded to with an enforceable order that requires a return to compliance by a specific deadline along with the applicable monetary penalties.

In determining the proper response to a violation, whether significant or not, the following criteria should be considered:

- Magnitude of the violation
- Duration of the violation
- Impact of the violation on the receiving waters
- Impact of the violation on the POTW
- Compliance history of the industrial user
- Good faith of the industrial user

Since pretreatment enforcement is a matter of strict liability, the knowledge, intent, or negligence of the user should not be taken into consideration except when deciding to pursue criminal prosecution.

An administrative penalty is a monetary penalty assessed by the City for violations of pretreatment standards and requirements. Administrative

penalties should be used as an escalated enforcement action and are punitive in nature and are not to be related to a specific cost born by the POTW. The amount of the penalty assessed should recapture any economic benefit gained by the non-compliance and/or act as a deterrent to future violations.

Determining the penalty amount which reflects the violation's significance is very important. If the penalty is too small, its deterrent value is lost and the violator may regard it as a tax or nominal charge to pollute. If the penalty is too great, it could bankrupt the user, making necessary investments in pretreatment equipment impossible and forcing unnecessary closure. In cases of extreme hardship, the Superintendent or City Administrator may consider reducing or suspending the penalty as part of a consent decree or show cause hearing.

Each type of violation has been categorized and a range of penalties assigned to each category, thereby allowing the responsible designated official to apply an appropriate monetary assessment. **All penalty assessments are to be assessed per violation per day unless otherwise noted.**

Category 0	=	No penalty
Category 1	=	\$50.00 to \$500.00
Category 2	=	\$500.00 to \$1000.00
Category 3	=	\$1000.00 to \$5,000.00
Category 4	=	\$5000.00 to \$10,000.00 and/or direct legal action

Enclosed as Table IV.1 is the enforcement response guide which will be utilized by the City of Camden to determine appropriate and objective responses to instances of noncompliance. This guide is basically identical to the one contained in the previously cited guidance document. Minor changes have been made in order to adapt it to conditions applicable to Camden. A column has been added specifying the penalty category each violation falls under. Time frames for enforcement responses are included on the final page of the enforcement response guide.

The enforcement response guide is used as follows:

- (1) Locate the type of non-compliance in the first column and identify the most accurate description of the violation in column 2;
- (2) Assess the appropriateness of the recommended response(s) in columns 3 and 4 using the criteria of **magnitude, duration, effects, compliance history, and good faith**;

- (3) Apply the enforcement response to the industrial user, specifying corrective action(s) or other responses required of the IU. Column 5 indicates responsible POTW personnel;
- (4) Track IU's response and follow-up with escalated enforcement action if a response is not received within the specified time frame or the violation continues.

ABBREVIATIONS USED IN ENFORCEMENT RESPONSE GUIDE

PC	-	Pretreatment Coordinator
S	-	Superintendent
NOV	-	Notice of violation
AO	-	Administrative order
IU	-	Industrial user

**Table IV.1 - Enforcement Response Guide
City of Camden Pretreatment Program**

Unauthorized Discharges (no permit)				
Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Unpermitted discharges	IU unaware of requirement; no harm to POTW or environment	0	Phone call; NOV with application form	PC
	IU unaware of requirement; harm to POTW or environment (significant non-compliance)	3	- AO and penalty - Civil action, termination of service	PC S
	Failure to apply continues after notification by POTW	4	- Civil action - Criminal investigation - Terminate service	S S S
Failure to renew permit	IU has not submitted application within 10 days of due date	0	Phone call; NOV	PC
Discharge Permit Violation				
Exceedance of local, state, or federal standard	Isolated, not significant	0	Phone call; NOV	PC

Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
	Isolated, significant (no harm)	1	AO to develop spill prevention plan (if not previously submitted) and penalty	PC
	Isolated, harmful to POTW or environment	3	- Show cause order - Civil action	PC, S S
	Recurring, no harm to POTW or environment	2	AO and penalty	PC
	Recurring, significant (harm to POTW or environment)	4	- AO with penalty - Show cause order - Civil action - Terminate service	PC PC, S S S
Monitoring and Reporting Violations				
Reporting violation	Report improperly signed or certified	0	Phone call; NOV	PC
	Report improperly signed or certified after notification by POTW	1	- AO - Show cause order	PC PC, S
	Isolated, not significant (5 days late)	0	Phone call; NOV	PC
	Significant (> 5 days late)	1	AO to submit with penalty each additional day	PC
	Reports always late; failure to submit (significant non-compliance)	4	- AO with penalty - Show cause order - Civil action	PC PC, S S

Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
	Failure to report spill or discharge changes (no harm)	0	NOV	PC
	Failure to report spill or discharge changes (harm)	2	- AO with penalty - Civil action	PC S
	Repeated failure to report spills	4	- Show cause order - Terminate service	PC, S S
	Falsification	4	- Criminal investigation - Terminate service	S S
Failure to monitor correctly	Failure to monitor all permit required pollutants	1	NOV or AO with penalty	PC
	Recurring failure to monitor	2	- AO with penalty - Civil action	PC S
Improper sampling	No evidence of intent	0	NOV	PC
	Evidence of intent	4	- Criminal investigation - Terminate service	S S
Failure to install monitoring equipment	Delay of less than 30 days	0	NOV	PC
	Delay of more than 30 days	1	AO to install with penalty for each additional day	PC
	Recurring, violation of AO	4	- Civil action - Criminal investigation - Terminate service	PC S S

Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Permit compliance schedule	Missed milestone less than 30 days, will not affect final milestone	0	NOV	PC
	Missed milestone more than 30 days, will affect final milestone (good cause)	1	AO and penalty	PC
	Missed milestone more than 30 days, will affect final milestone (no good cause)	3	- Show cause order - Civil action - Terminate service	PC, S S S
	Recurring violation or violation of AO schedule	4	- Civil action - Criminal investigation - Terminate service	S S S
Other Permit Violations				
Waste streams diluted in lieu of pretreatment	Initial violation	1	AO and penalty	PC
	Recurring	2	- Show cause order - Terminate service - Criminal investigation	PC, S S
Failure to mitigate noncompliance or halt production	Does not result in harm	2	NOV	PC
	Does result in harm	4	- AO and penalty - Civil action	PC S
Failure to properly operate and maintain facility	Does not result in harm	1	NOV	PC
	Does result in harm	3	- AO and penalty - Civil action	PC S

Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel
Violations Detected During Site Visits				
Entry denial	Entry denied or consent withdrawn; copies of records denied	1	Obtain warrant and return to IU	PC
Illegal discharge (violation of general discharge prohibitions)	No harm to POTW or environment	2	AO with penalty	PC
	Causes harm or evidence of intent and/or negligence	3	- Civil action - Criminal investigation	S S
	Recurring, violation of AO	4	Terminate service	S
Improper sampling	Unintentional sampling at incorrect location	0	NOV	PC
	Unintentionally using incorrect sample type	0	NOV	PC
	Unintentionally using incorrect sampling techniques	0	NOV	PC
Inadequate record keeping Failure to mitigate noncompliance	Files incomplete or missing (no evidence of intent)	0	NOV	PC
	Recurring	2	AO and penalty	PC
Failure to report additional monitoring	Inspection finds additional files (unintentional)	1	NOV	PC
	Recurring (considered falsification)	3	AO and penalty	PC

Time Frames for Enforcement Responses

- A. All violations will be identified and documented within 5 days of receiving compliance information.
- B. Initial enforcement responses involving contact with the IU and requesting information on corrective or preventative action(s) will occur within 15 days of violation detected.
- C. Follow up actions for continuing or recurring violations will be taken within 60 days of initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of the significant noncompliance.

V. ENFORCEMENT RESPONSES

The following paragraphs describe the various types of enforcement response, procedures, and person(s) responsible for identifying and implementing each level of response, and the time frames for determining that a violation has occurred and for initiating the appropriate response action. Most of this information has already been provided in Section IV, Table IV.1 (Enforcement Response Guide) and the written formats to be used in preparing the various responses will be taken from the previously cited guidance document.

Notice of Violation

- NOVs will be sent to any user found to be in violation of the SUO, IU permit, or any other applicable document. As a general rule, NOVs will be issued by the Pretreatment Coordinator for instances of minor noncompliance and will serve as an official notification to the user that a violation has occurred. Initial enforcement responses involving NOVs will occur within 15 days of violation detection. IU response to the NOV will commence within 10 days of receipt of the NOV and will include an explanation of the violation, a plan for satisfactory correction, and contingencies for prevention of future occurrences.

Administrative Order

- AOs are enforcement documents which direct industrial users to undertake or to cease specific activities. The terms of AOs may or may not be negotiated with industrial users. AOs are recommended as the first formal response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative penalties, and termination of service orders. Consent orders, show cause hearings, cease and desist orders, and termination of service are types of administrative orders.

Consent Orders

- In certain instances, the Superintendent or his designee will

enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the IU responsible for the noncompliance. Such orders will also serve as compliance orders and/or schedules for the IU and failure to adhere to the conditions of the consent order will constitute significant noncompliance.

Show Cause Hearing

- The Superintendent or his designee may order any IU which violates conditions of the SUO or its permit to 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 reason(s) for such action, and a request that the user show cause why the proposed enforcement action should not be taken. Notice of the meeting shall be served personally or by registered or certified mail at least 10 days prior to the hearing. If the IU fails to appear as noticed, immediate enforcement action will ensue.

Cease and desist order

- If the POTW finds that an IU has violated or continues to violate the Sewer Use Ordinance or its permit, the Superintendent may issue an order to cease and desist all such violations and direct the party in noncompliance to do one of the following:
 - (1) Comply with the order
 - (2) Take appropriate remedial or preventive action needed to properly address a continued or threatened violation, including but not limited to halting

operations and terminating the discharge.

Termination of service

- The Superintendent may suspend the wastewater treatment service and/or revoke an industrial user permit when necessary, if, in the opinion of the POTW, the discharge presents or may present potential or actual danger to persons, the environment, causes interference to the POTW, or causes the POTW to violate conditions of its NPDES permit.

Civil penalties will be assessed based on the type and severity of violation outlined in the enforcement response guide found in Section IV, Table IV.1. Penalties will be assessed in an amount not to exceed \$10,000 per day for each violation. The amount of penalty will be determined using the following factors:

- (1) Whether the penalty imposed will be a substantial economic deterrent to the noncompliance;
- (2) Any damages to the POTW due to the noncompliance, which also includes any penalties, costs, and attorney's fees incurred by the POTW as a result;
- (3) Cause of the discharge or violation;
- (4) The severity of the noncompliance and its effect on the POTW and upon the quality of the receiving waters;
- (5) Effectiveness of action taken by violator to rectify the problem;
- (6) The economic benefit gained by the violator.

The Superintendent, at his discretion, may establish or adopt a schedule of the amount of civil penalty which can be assessed for certain specific violations or categories of violations. The methods used to determine penalty amounts are summarized in the Enforcement Response Guide.

Tracking of enforcement related situations will primarily be the responsibility of the Pretreatment Coordinator. Compliance status worksheets will be updated

on a weekly basis for each IU. These worksheets will provide instant updates of the compliance status of the IUs and allow personnel to flag noncompliance situations at a glance.

Currently, all permitted IUs are sampled semi-annually by the POTW and submit discharge self-monitoring reports on a regular basis to the POTW. Demand monitoring is instituted when warranted. A scheduled and an unscheduled IU facility inspection are performed semi-annually by the pretreatment coordinator. It is hoped that these actions will provide an effective means of tracking compliance status of IUs quickly and instituting necessary enforcement proceedings in a timely manner. The proposed time frames for initiating enforcement proceedings can be found in the enforcement response guide in Section IV.