

THE
KINGSTON SPRINGS
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

February 1996

Change 13, November 21, 2013

CITY OF KINGSTON SPRINGS, TENNESSEE

MAYOR

Tony Campbell

VICE MAYOR

Gary Corlew

COMMISSIONER

Tony Gross
Glenn Remick
Bob Stohler

MANAGER

Laurie Cooper

ASSISTANT CITY MANAGER/RECORDER

Debbie K. Finch

Preface

The Kingston Springs Municipal Code contains the codification and revision of the ordinances of the City of Kingston Springs, 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 reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

Steve Lobertini
Codification Specialist

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

1. General power to enact ordinances: (6-19-101)
2. All ordinances shall begin, "Be it ordained by the City of Kingston Springs follows:" (6-20-214)
3. Ordinance procedure
 - (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.
 - (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.
 - (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.
 - (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)
4. Publication of penal ordinances--Effective date. (a) Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.
 - (b) No such ordinance shall take effect until the ordinance, or its caption, is published except as otherwise provided in chapter 54 part 5 of this title. (6-20-218)

ORDINANCE NO. 95-008

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF KINGSTON SPRINGS, TENNESSEE.

WHEREAS some of the ordinances of the City of Kingston Springs are obsolete, and

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

WHEREAS the board of commissioners of the City of Kingston Springs, 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 "Kingston Springs Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF KINGSTON SPRINGS, AS FOLLOWS:¹

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Kingston Springs 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 budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or

¹Charter reference

Tennessee Code Annotated, § 6-20-214.

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

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

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

¹State law reference

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

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

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

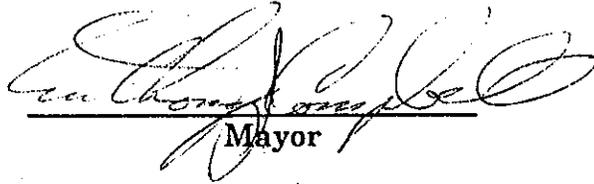
Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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

Section 10. Date of effect. This ordinance shall take effect 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 August 17, 1995.

Passed 2nd reading February 15, 1996.



Mayor

Debbie K. Smith
Recorder

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. CITY MANAGER.
4. CODE OF ETHICS.

¹Charter reference

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

Municipal code references

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

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF COMMISSIONERS¹

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. General rules of order.
- 1-103. Compensation.
- 1-104. Budget amendments.
- 1-105. Elections.

1-101. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 7:00 P.M. on the third Thursday of each month at the city hall. (1984 Code, § 1-101, as amended by Ord. #96-010, Nov. 1996)

1-102. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of commissioners at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1984 Code, § 1-102, modified)

¹Charter reference

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

- Appointment and removal of city judge: 6-21-501.
- Appointment and removal of city manager: 6-21-101.
- Compensation of city attorney: 6-21-202.
- Creation and combination of departments: 6-21-302.
- Subordinate officers and employees: 6-21-102.
- Taxation
 - Power to levy taxes: 6-22-108.
 - Change tax due dates: 6-22-113.
 - Power to sue to collect taxes: 6-22-115.
- Removal of mayor and commissioners: 6-20-220.

1-103. Compensation. (1) The salary for each Commissioner of the City of Kingston Springs, Tennessee shall be one hundred dollars (\$100.00) per month.

(2) Pursuant to Tennessee Code Annotated, § 6-20-204, as amended, no increase in salaries of the mayor and commissioners shall be effective unless approved by a two-thirds (2/3) vote of the members to which the board of commissioners is entitled. (Ord. #92-010, Sept. 1992, as amended by Ord. #04-003, March 2004)

1-104. Budget amendments. Prior to the approval of any amendment to the annual budget that would increase appropriations for the expenditure of city funds, the city council shall approve a resolution that identifies a corresponding source of funds to cover the proposed additional expenditure, and/or identifies a corresponding reduction in expenditure to compensate for the proposed additional expenditure. (Ord. #93-013, Nov. 1993)

1-105. Elections. This section shall change the date of municipal elections hereafter to coincide with the November general election and shall extend terms of members of the board necessary to meet the election date. The adoption of the ordinance comprising this section will not extend for more than two (2) years beyond its regular expiration date as provided by amended statute and amended charter change. Further, it is found that in no manner does this amendatory ordinance remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which an elected official was selected. (as added by Ord. #10-004, Sept. 2010)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties and powers.

1-202. Compensation.

1-201. Duties and powers.² The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds and contracts made in the name of the city, and perform all acts that may be required of him by any ordinance duly enacted by the board of commissioners, not in conflict with the charter. (1984 Code, § 1-201)

1-202. Compensation. (1) The salary for the Mayor of the City of Kingston Springs, Tennessee shall be one hundred fifty dollars (\$150.00) per month.

(2) Pursuant to Tennessee Code Annotated, § 6-20-204, as amended, no increase in salaries of the mayor and commissioners shall be effective unless approved by a two-thirds (2/3) vote of the members to which the board of commissioners is entitled. (Ord. #92-010, Sept. 1992, as amended by Ord. #04-003, March 2004)

¹Charter reference

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

²Charter references

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

Election: 6-20-201.

General duties: 6-20-213 and 6-20-219.

May introduce ordinances: 6-20-213.

Presiding officer: 6-20-209 and 6-20-213.

Seat, voice and vote on board: 6-20-213.

Signs journal, ordinances, etc.: 6-20-213.

CHAPTER 3

CITY MANAGER¹

SECTION

1-301. Duties and powers.

1-302. Limitation on expenditures.

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

1-302. Limitation on expenditures. The city manager shall have the right to expend city funds to pay for materials, supplies, equipment and services purchased in the conduct of city business, but no expenditure shall exceed ten thousand dollars (\$10,000.00). Expenditures in excess of ten thousand dollars (\$10,000.00) shall require the approval of the board of commissioners. (1984 Code, § 1-302, modified)

¹Charter reference

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

²Charter references

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

Administrative head of city: 6-21-107.

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

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

School administration: 6-21-801.

Supervision of departments: 6-21-303.

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in nonvoting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other

¹Ouster law-Tennessee Code Annotated, § 8-47-101 and the following sections.

State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated, sections indicated:

Campaign finance-Tennessee Code Annotated, Title 2, Chapter 10. conflict of interests-T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

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

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

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

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

instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #06-013, Dec. 2006)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

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

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

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

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised. A brief synopsis of each of these laws appears in the appendix of the municipal code.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #06-013, Dec. 2006)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #06-013, Dec. 2006)

1-404. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #06-013, Dec. 2006)

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

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #06-013, Dec. 2006)

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

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #06-013, Dec. 2006)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #06-013, Dec. 2006)

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

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #06-013, Dec. 2006)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #06-013, Dec. 2006)

1-410. Ethics complaints. (1) The city attorney or assistant city attorney or attorney designee by the city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially

affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #06-013, Dec. 2006)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #06-013, Dec. 2006)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

- 1. PARKS AND RECREATION ADVISORY BOARD.
- 2. DESIGN REVIEW COMMISSION.

CHAPTER 1

PARKS AND RECREATION ADVISORY BOARD

SECTION

- 2-101. Creation.
- 2-102. Membership.
- 2-103. Meeting to elect chairman and adopt by-laws.
- 2-104. City manager to be ex-officio member of board.
- 2-105. Copies of minutes.

2-101. Creation. There is hereby created a Parks and Recreation Advisory Board for the Town of Kingston Springs in accordance with Tennessee Code Annotated, 11-24-103. (Ord. #98-015, Dec. 1998, modified)

2-102. Membership. The following bonafide residents of Kingston Springs shall be appointed to serve as the first advisory board with terms of office as are described below:

Melissa Maynard	Term Expires:	May 1, 1999
Mary Ann Petrino	Term Expires:	May 1, 1999
Charles Spears	Term Expires:	May 1, 2000
Lisa Loope	Term Expires:	May 1, 2000
David Gaddes	Term Expires:	May 1, 2001
Brenda Britt	Term Expires:	May 1, 2001
Gary Corlew	Term Expires:	with commission term

(Ord. #98-015, Dec. 1998, modified)

2-103. Meeting to elect chairman and adopt by-laws. The above appointed members shall meet within 30 days from the passage of this chapter for the purpose of electing a chairman and adopting by-laws. (Ord. #98-015, Dec. 1998, modified)

2-104. City manager to be ex-officio member of board. The city manager shall be an ex-officio member of this board, and shall be responsible for coordinating meeting places and logistical matters in order to expedite the board's function. (Ord. #98-015, Dec. 1998, modified)

2-105. Copies of minutes. The board shall send copies of minutes of all meetings to the board of commissioners for the town. (Ord. #98-015, Dec. 1998, modified)

CHAPTER 2

DESIGN REVIEW COMMISSION

SECTION

2-201. Creation.

2-202. Designation of planning commission.

2-203. Authority.

2-204. Appeals.

2-201. Creation. There is hereby created a design review commission, referred to as "DRC," in accordance with Tennessee Code Annotated, § 5-54-132. (as added by Ord. #08-004, Sept. 2008)

2-202. Designation of planning commission. The municipal regional planning commission is hereby designated as the DRC for the Town of Kingston Springs, Tennessee. (as added by Ord. #08-004, Sept. 2008)

2-203. Authority. The municipal regional planning commission acting as the DRC for this municipality shall have the authority to develop general guidelines for the exterior appearance of non-residential property, multi-family residential property and any entrance to a non-residential development within the municipality. (as added by Ord. #08-004, Sept. 2008)

2-204. Appeals. Any property owner affected by the guidelines developed by the DRC may appeal such a decision to the board of commissioners. (as added by Ord. #08-004, Sept. 2008)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY COURT.
2. MUNICIPAL ADMINISTRATIVE HEARING OFFICER.

CHAPTER 1

CITY COURT

SECTION

- 3-101. City judge.
- 3-102. Maintenance of docket.
- 3-103. Issuance of arrest warrants.
- 3-104. Issuance of summonses.
- 3-105. Issuance of subpoenas.
- 3-106. Trial and disposition of cases.
- 3-107. Appearance bonds authorized.
- 3-108. Imposition of fines, penalties and costs.
- 3-109. Appeals.
- 3-110. Bond amounts, conditions, and forms.
- 3-111. Disposition and report of fines, penalties and costs.

¹Charter references

For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: 6-21-501.

Jurisdiction: 6-21-501.

Qualifications: 6-21-501.

City court operations:

Appeals from judgment: 6-21-508.

Appearance bonds: 6-21-505.

Arrest warrants: 6-21-504.

Docket maintenance: 6-21-503.

Fines and costs:

Amounts: 6-21-502, 6-21-507.

Collection: 6-21-507.

Disposition: 6-21-506.

- 3-112. Disturbance of proceedings.
- 3-113. Court costs.
- 3-114. Forfeitures for citations issued by the municipal court.
- 3-115. Failure to appear in municipal court and penalty therefor.

3-101. City judge. (1) Qualifications. The city judge of the Municipal Court of the City of Kingston Springs shall be a regularly licensed practicing attorney as authorized by the Supreme Court of the State of Tennessee. Further, said city judge shall be a person of good moral character, learned in the laws and well versed in the practice of law.

The city judge shall try all cases pending before the municipal court having jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the city. Said city judge appointed by the mayor and board of commissioners shall have the power and authority to impose fines, costs and forfeitures, and to punish by fine for violation of city ordinances; it shall further be the duty of the city judge to preserve and enforce orders of the municipal court as it shall relate to the collection to all such fines, costs and forfeitures imposed and in default of the payment, of good and sufficient security given for the payment of any such fines, costs of forfeitures imposed, to execute upon said surety.

The city judge shall keep or cause to be kept a court docket embodying complete detailed records of all cases so handled in the municipal court.

(2) Compensation. As compensation for serving as the City Judge of the Municipal Court for the City of Kingston Springs, Tennessee, sitting on a monthly basis, the city judge shall receive the sum of one hundred seventy-five dollars (\$175.00). Said compensation for the city judge shall be paid out of the general fund of the City of Kingston Springs, Tennessee and shall not be paid from any fines, costs or forfeitures received by virtue of holding municipal court. (1984 Code, § 1-501, as amended by Ord. #87-009, Dec. 1987)

3-102. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1984 Code, § 1-502)

3-103. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1984 Code, § 1-503)

3-104. Issuance of summonses.² When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1984 Code, § 1-504)

3-105. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1984 Code, § 1-505)

3-106. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1984 Code, § 1-506)

3-107. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the

¹State law reference

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

²Municipal code references

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

time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1984 Code, § 1-507)

3-108. Imposition of fines, penalties and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases. (1984 Code, § 1-508)

3-109. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days² next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1984 Code, § 1-509)

3-110. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1984 Code, § 1-510)

3-111. Disposition and report of fines, penalties and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1984 Code, § 1-511)

3-112. 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

¹State law reference

Tennessee Code Annotated, § 8-21-401.

²State law reference

Tennessee Code Annotated, § 27-5-101.

unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1984 Code, § 1-512)

3-113. Court costs. The amount of court costs to be taxed on those citations and warrants that come before the municipal court shall be the sum of ninety-two and 50/100ths (\$92.50) dollars, said court costs are not inclusive of the state litigation tax required to be collected by the city.

It shall be the duty of the clerk of the city court and any deputy clerks to collect the aforesaid court costs and to remit the same to the general fund of the city. (Ord. #88-001, Mar. 1988, as amended by Ord. #91-001, Mar. 1991; Ord. #02-002, Feb. 2002; and Ord. #05-007, June 2005)

3-114. Forfeitures for citations issued by the municipal court. Those persons cited to appear before the City Judge of the Municipal Court of the City of Kingston Springs, Tennessee, may upon payment, in advance of a court date, be treated as a forfeiture. The offenses together with the sum which will be accepted as a forfeiture without court appearance are as follows:¹

Offenses	1st offense
Passing School Bus	92.50
Speeding	92.50
Head Light & Tail Light Law	92.50
Traffic Light/Stop Sign	92.50
Material In Street	92.50
Violating Registration Law	92.50
All Other Moving Violations	92.50
Littering	92.50
Careless Driving	92.50
Windshield, Goggles, Helmet, Crash Bars	92.50
Parking Violations, Improper Turning and Unlawful Drive-through	92.50

¹Municipal code reference
Reckless driving: § 15-123.

(Ord. #88-002, Apr. 1988, modified, as amended by Ord. #96-014, Jan. 1997; Ord. #02-002, Feb. 2002; and Ord. #05-007, June 2005)

3-115. Failure to appear in municipal court and penalty therefor. Any person who intentionally, knowingly or willingly fails to appear in the municipal court on the date and time specified on a citation or other process issued from the municipal court is guilty of a separate municipal offense, and upon being found guilty shall be punished by a fine of not more than fifty (\$50.00) dollars. Proof that the defendant failed to appear when required constitutes prima facia evidence that the failure to appear is willful. The separate municipal offense of failure to appear shall be subject to court costs as provided in section 3-113. (as added by Ord. #96-017, Jan. 1997, and amended by Ord. #02-002, Feb. 2002)

CHAPTER 2

MUNICIPAL ADMINISTRATIVE HEARING OFFICER¹

SECTION

3-201. Municipal administrative hearing officer.

3-202. Jurisdiction and procedure before the administrative hearing officer.

3-203. Judicial review of final order.

3-201. Municipal administrative hearing officer. (1) In accordance with Tennessee Code Annotated, title 6, chapter 54, part 10, there is hereby created the office of administrative hearing officer to hear violations of any of the provisions codified in the municipal code of ordinances of the Town of Kingston Springs relating to building and property maintenance, including:

(a) Locally adopted Kingston Springs municipal, building, Utility, etc. codes, chapters 1, 2, 4, 9, 10, 11 and 12.

(b) Locally adopted codes, Kingston Springs Municipal Code, title 13, Property Maintenance Regulations.

(c) Locally adopted codes, Kingston Springs Municipal Code, title 17, Refuse and Trash Disposal, chapter 2.

(d) Ordinances regulating any subject matter commonly found in codes mentioned.

(2) There is hereby created the position of administrative hearing officer to be appointed pursuant to title 6, chapter 54, section 1006, of the Tennessee Code Annotated.

(3) The amount of compensation for the administrative hearing officer shall be approved by the board of commissioners.

(4) Clerical and administrative support for the office of administrative hearing officer shall be provided as determined by the city manager.

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in title 6, chapter 54, sections 1001, et seq., of the Tennessee Code Annotated, and as may hereafter be amended. (as added by Ord. #11-005, Jan. 2012)

3-202. Jurisdiction and procedure before the administrative hearing officer. The administrative hearing officer's jurisdiction shall be as set out in title 6, section 54, section 1002, of the Tennessee Code Annotated, and all matters before the administrative hearing officer shall be conducted in accordance with the provisions of title 6, section 54, sections 1001, et seq., of the

¹State law reference

Tennessee Code Annotated, § 6-54-1001, et seq.

Tennessee Code Annotated, which provisions are adopted and incorporated herein by reference. (as added by Ord. #11-005, Jan. 2012)

3-203. Judicial review of final order. A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated, title 6, chapter 54, part 10, which shall be the only available method of judicial review. (as added by Ord. #11-005, Jan. 2012)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. TRAVEL REIMBURSEMENT REGULATIONS.
3. PERSONNEL RULES.
4. OCCUPATIONAL SAFETY AND HEALTH 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.
- 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 Kingston Springs, Tennessee to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1984 Code, § 1-701)

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

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be

required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1984 Code, § 1-704)

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

4-106. Exclusions. The mayor is authorized and directed to execute an amendment to said agreement of the City of Kingston Springs, TN and Director of Old Age and Survivors Insurance Agency, State of Tennessee, originally executed on July 1, 1982, to exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than \$1,000.00 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under Section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a state's modification is mailed, or delivered by other means, to the appropriate federal official. (Ord. #94-007, Jan. 1995)

CHAPTER 2

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-201. Enforcement.
- 4-202. Travel policy.
- 4-203. Travel reimbursement rate schedules.
- 4-204. Administrative procedures.

4-201. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these regulations.

4-202. 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.

4-203. Travel reimbursement rate schedules. 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.

4-204. 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.

CHAPTER 3

PERSONNEL RULES

SECTION

4-301. Rules adopted by resolution.

4-301. Rules adopted by resolution. Personnel rules of the city shall be adopted by resolutions passed by the city.¹

¹Resolutions are available in office of the city 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 be known as "The Occupational Safety and Health Program" for the employees of the Town of Kingston Springs, Tennessee. (as added by Ord. #05-001, April 2005, and replaced by Ord. #13-003, April 2013)

4-402. Purpose. The Town of Kingston Springs, Tennessee in electing to update their established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

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

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

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

(3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

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

(5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (as added by Ord. #05-001, April 2005, and replaced by Ord. #13-003, April 2013)

4-403. Coverage. The provisions of the occupational safety and health program plan for the employees of the Town of Kingston Springs, Tennessee shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (as added by Ord. #05-001, April 2005, and replaced by Ord. #13-003, April 2013)

4-404. Standards authorized. The occupational safety and health standards adopted by the Town of Kingston Springs, Tennessee are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (as added by Ord. #05-001, April 2005, and replaced by Ord. #13-003, April 2013)

4-405. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our 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 shall be deemed sufficient notice to employees. (as added by Ord. #05-001, April 2005, and replaced by Ord. #13-003, April 2013)

4-406. Administration. For the purposes of this chapter, the city manager is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and

administer this program plan. The safety director shall develop a plan of operation¹ for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #05-001, April 2005, and replaced by Ord. #13-003, April 2013)

4-307. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Kingston Springs, Tennessee. (as added by Ord. #05-001, April 2005, and replaced by Ord. #13-003, April 2013)

¹The plan of operation for the occupational safety and health program for the Town of Kingston Springs has been added to this code as Appendix B.

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. REAL AND PERSONAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. MUNICIPAL PURCHASES.
5. ADEQUATE FACILITIES TAX.

CHAPTER 1

REAL AND PERSONAL PROPERTY TAXES²

SECTION

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

¹Charter reference

Finance and taxation: title 6, chapter 22.

²State 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.

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 each succeeding month.

5-101. When due and payable.¹ Taxes levied by the city against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied. (1984 Code, § 6-101)

5-102. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.³ (1984 Code, § 6-102)

¹Charter references

Tennessee Code Annotated, § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

²Charter reference

Tennessee Code Annotated, § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

³Charter reference

Tennessee Code Annotated, § 6-22-114 directs the finance director to turn over the collection of delinquent property taxes to the county trustee.

State law reference

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. [Repealed.]

5-202. License required.

5-201. [Repealed.] This section was repealed by Ord. #97-003, § 1, April 1997. (1984 Code, § 6-201, modified, as repealed by Ord. #97-003, § 1, April 1997)

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 payment of the appropriate privilege tax. (1984 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 (1984 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

MUNICIPAL PURCHASES

SECTION

5-401. City manager to be responsible.

5-402. Competitive bids.

5-403. Formal sealed bids.

5-404. Rejection of bids.

5-401. City manager to be responsible. The city manager of the City of Kingston Springs shall be responsible for city purchasing, but the city manager may delegate the duty to make purchases to an appointed subordinate. (Ord. #90-001, Jun. 1990)

5-402. Competitive bids. (1) The city manager or appointed subordinate shall seek competitive prices for purchases and public improvements whenever practicable. Whenever possible, unless there be a single source provider, competitive prices shall be sought and quoted by a minimum of three (3) providers for like kind goods and services.

(2) All purchases pursuant to competitive bidding for goods and services and public improvements shall be made to the lowest and best bidder, but that the city may reject any and all bids. (Ord. #90-001, Jun. 1990, as amended by Ord. #12-001, May 2012)

5-403. Formal sealed bids. (1) Formal sealed bids shall be obtained in all transactions involving the expenditure of an amount greater than ten thousand dollars (\$10,000.00). The board of commissioners by unanimous resolution or motion of those present at a meeting, based upon the written recommendation of the city manager that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorized non-competitive contracts, when exigent circumstances exist.

(2) All purchases whereby competitive prices are sought or by formal sealed bids shall be consummated by the execution of a purchase order. (Ord. #90-001, Jun. 1990, modified, and amended by Ord. #12-001, May 2012)

5-404. Rejection of bids. The city manager may reject all bids and authorize the making of public improvements or accomplishment of any other city work by any city department. (Ord. #90-001, Jun. 1990)

CHAPTER 5

ADEQUATE FACILITIES TAX

SECTION

- 5-501. Short title.
- 5-502. Purpose.
- 5-503. Findings.
- 5-504. Authority.
- 5-505. Definitions.
- 5-506. Tax levy.
- 5-507. Prohibition on issuance of building permit.
- 5-508. Exemption from tax.
- 5-509. Collection of tax.
- 5-510. Use and segregation of tax funds.
- 5-511. Authority to amend.
- 5-512. Protest of tax.
- 5-513. Additional authority.
- 5-514. Non-repealer.

5-501. Short title. This chapter shall be known and cited as the Kingston Springs Municipal Adequate Facilities Tax. (as added by Ord. #97-007, July 1997)

5-502. Purpose. It is the intent and purpose of this chapter to authorize the governing body of the Town of Kingston Springs to impose a tax on new development within the municipality, payable at the time of issuance of a building permit, so as to ensure and require that the person responsible for new development share in the cost of public facilities necessary to serve the residents of Kingston Springs. (as added by Ord. #97-007, July 1997)

5-503. Findings. The city commission hereby finds and declares that:

- (1) Cheatham County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) years, having been impacted by the rapid growth in the standard metropolitan area of Nashville.
- (2) Anticipated continued growth from the expansion of Nashville is expected to accelerate due to the continuing location of manufacturing and commercial businesses in the middle tennessee area, and from other factors; and
- (3) Current projections show that:
 - (a) County population will be forty-two thousand (42,000) persons in the year 2010, an increase of fifty-five (55%) percent from 1990; there will be a demand for approximately five thousand (5,000) additional dwelling units between 1990 and 2010; and new residential

and non-residential development will consume an additional three thousand (3,000) acres of land in Cheatham County.

(b) The majority of the projected growth in Cheatham County between 1990 And 2010 will occur within the boundaries of the incorporated municipalities within the county.

(c) The projected growth and land use development within these municipalities will cause a demand for municipal capital facilities (roads, parks, city governmental facilities, etc.) in an amount well in excess of Ten Million Dollars (\$10,000,000.00) over the next fifteen (15) years.

(4) The municipality is committed, both to present and future residents, to maintaining a level of public facilities and services commensurate with those presently provided.

(5) The municipality is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services an existing residents of the municipality.

(6) The municipality's present population, employment base, tax base and budget cannot along support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development.

(7) The municipality has adopted by resolution a capital improvements program indicating the need for and the cost of public facilities anticipated to be funded, in part, by this tax.

(8) Due to these unique circumstances, it is necessary and appropriate that the Town of Kingston Springs utilize the authority granted by the Legislature of the State of Tennessee to impose an adequate facilities tax on the privilege of engaging in the business of development.

(9) The tax herein imposed is in compliance with Chapter No. 54, Private Acts of 1997. (as added in Ord. #97-007, July 1997)

5-504. Authority. This chapter is imposed under the charter powers of the Town of Kingston Springs, Tennessee, and under the authority conferred on the municipality to levy an adequate facilities tax on the privilege of engaging in development by Chapter No. 54, Tennessee Private Acts of 1997. (as added in Ord. #97-007, July 1997)

5-505. Definitions. As used in this chapter, unless a different meaning appears from the context:

(1) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home, but excludes those buildings specified in section 5-508.

(2) "Building permit" means a permit for development issued in Kingston Springs, as herein defined, within Cheatham County.

(3) "Capital improvement program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(4) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which provides, adds to or increases the floor area of a residential or non-residential use.

(5)(a) "Floor area" for nonresidential development means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such building or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls but excluding arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, services, or production areas.

(b) "Floor area," for residential development means the total or the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space, or designed to be finished into heated and/or air-conditioned living space at a future date.

(6) "General plan" means the official statement of the municipal planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Tennessee Code Annotated, §§ 13-4-201, 13-4-203 and 13-4-302. For the purposes of this chapter only, a general plan may consist solely of the land development plan element which sets out a plan of scheme of future land usage.

(7) "Governing body" means the City Commission of Kingston Springs, Tennessee.

(a) "Major street or road plan" means the plan adopted by the municipal planning commission, pursuant to Tennessee Code Annotated, §§ 13-4-201 and 13-4-303, showing among other things, "the general location, character, and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways."

(9) "Municipality" means the Town of Kingston Springs.

(10) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(11) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination action as a unit, and the plural as well as the singular number.

(12) "Place of worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

(13) "Public buildings" means buildings owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including but not necessarily limited to counties, cities, school districts and special districts, or the federal government or any agency thereof.

(14) "Public facility or facilities" means a physical improvement undertaken by the municipality, including, but not limited to the following: roads and bridges, parks and recreational facilities, jail and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other governmental capital improvements benefitting the citizens of the municipality.

(15) "Residential" means the development of any property for a dwelling unit or units.

(16) "Subdivision regulations" means the regulations adopted by the governing body, as amended, pursuant to T.C.A. § 13-4-303, by which the municipality regulates the subdivision of land.

(17) "Zoning resolution" means the ordinance adopted by the governing body, as amended, pursuant to T.C.A. § 13-7-201, by which the municipality regulates the zoning, use and development of property. (as added by Ord. #97-007, July 1997)

5-506. Tax levy. There is hereby levied a tax on each person engaging in the business of development in the municipality, which tax is to be paid at the time of application for a building permit for development, as provided in section 5-509.

Tax Rate Schedule

New residential development	\$.40 per gross square foot of floor area
New non-residential development	\$.00 per gross square foot of floor area

(as added by Ord. #97-007, July 1997, and amended by Ord. #04-008, Sept. 2004)

5-507. Prohibition on issuance of building permit. No building permit for development shall be issued within the municipality unless the tax has been paid in full to the municipality, as provided in section 5-509. (as added by Ord. #97-007, July 1997)

5-508. Exemption from tax. No tax shall be assessed or collected for the development of:

- (1) Public buildings
- (2) Places of worship
- (3) Barns or outbuildings used for agricultural purposes
- (4) Replacement structures for previously existing structures destroyed by fire or other disaster
- (5) Additions to a single family dwelling
- (6) A structure owned by a non-profit corporation which is a qualified 501(c) (3) corporation under the Internal Revenue Code.
- (7) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided that the permanent structure is a residence for the owner and occupant of the mobile home and that owner and occupant has resided on the property for a period of not less than three (3) years. (as added by Ord. #97-007, July 1997)

5-509. Collection of Tax. (1) Each applicant for a building permit for development, as herein defined, shall state on a form provided by the municipality, the proposed use (residential or non-residential) and the amount of gross square footage of floor area contained in the development for which the permit is sought.

(2) The municipal office designated in the administrative guidelines shall calculate the tax due on the development and collect such tax prior to acceptance of the application for the permit.

(3) In its sole discretion, the municipality may permit a person engaging in the business of development to defer payment of the tax due until the time for issuance of the building permit. (as added by Ord. #97-007, July 1997)

5-510. Use and segregation of tax funds. All tax funds collected within the municipality as authorized herein, shall be deposited and accounted for in a special revenue of capital projects fund, and shall be used for the purpose of provided public facilities to serve the residents of the municipality. (as added by Ord. #97-007, July 1997)

5-511. Authority to amend. The municipality may, from time to time, amend the tax herein imposed on development, based upon adoption of a revised capital improvements program. (as added by Ord. #97-007, July 1997)

5-512. Protest of tax. Any person aggrieved by the decision of the municipal building official or other responsible official concerning any aspect of Chapter No. 54, Private Act of 1997, or this chapter may obtain a review of the officials decision in the manner provided in said act. (as added by Ord. #97-007, July 1997)

5-513. Additional authority. The authority to impose this privilege tax an new development within the municipality is in addition to all other authority to impose taxes, fees, assessments, or other revenue-raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation. (as added by Ord. #97-007, July 1997)

5-514. Non-repealer. The provisions of this chapter shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to the Town of Kingston Springs, Chapter No. 54, Private Act of 1997, and this chapter shall be deemed to create an additional and alternative method for the municipality to impose and collect taxes for the purpose of provided public facilities within the municipality. (as added by Ord. #97-007, July 1997)

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. WORKHOUSE.

CHAPTER 1

WORKHOUSE

SECTION

6-101. County workhouse to be used.

6-102. Inmates to be worked.

6-103. Compensation of inmates.

6-101. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1984 Code, § 1-601)

6-102. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition permits, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1984 Code, § 1-602)

6-103. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.² (1984 Code, § 1-603)

¹Ord. #93-009 consolidated the police, fire and code inspection departments into a public safety department. See title 20, chapter 2 for provisions pertaining to the public safety department.

²Municipal code reference
Tennessee Code Annotated, § 40-24-104.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE CODE.
2. RURAL SUBSCRIPTION FIRE FIGHTING SERVICES.
3. FIREWORKS.

CHAPTER 1

FIRE CODE²

SECTION

- 7-101. Fire code adopted.
- 7-102. Definitions.
- 7-103. Enforcement.
- 7-104. [Deleted.]
- 7-105. Penalties.

7-101. 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,³ 2009 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been filed with the city recorder and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1984 Code, § 7-201, modified; as amended by Ord. #04-012, Nov. 2004, and Ord. #10-007, Nov. 2010)

¹Municipal code reference

Building, utility and housing codes: title 12.

Ord. #93-009 consolidated the police, fire and code inspection departments into a public safety department. See title 20, chapter 2 for provisions pertaining to the public safety department.

²Municipal code reference

Building, utility, and housing codes: title 12.

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

7-102. Definitions. Whenever the following terms are used in the fire prevention code they shall have the indicated meanings in the interpretation and administration of this chapter.

- (1) "Fire marshal" shall mean the fire chief.
- (2) "Governing body" shall mean the board of commissioners of the City of Kingston Springs.
- (3) "Jurisdiction" shall mean the City of Kingston Springs. (1984 Code, § 7-202)

7-103. Enforcement. The fire chief shall be responsible for the enforcement of the fire prevention code herein adopted. He shall have the same powers as the state fire marshal. To assist him in the performance of his duties the fire chief may detail such members of the fire department as inspectors as he deems necessary from time to time. (1984 Code, § 7-203)

7-104. [Deleted.] (1984 Code, § 7-204, as deleted by Ord. #10-007, Nov. 2010)

7-105. Penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order thereunder; or build in violation of any detailed statement of specificational plan submitted and approved thereunder; or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code, a fine not to exceed fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (1984 Code, § 7-205, as replaced by Ord. #10-007, Nov. 2010)

CHAPTER 2

RURAL SUBSCRIPTION
FIRE FIGHTING SERVICES

SECTION

- 7-201. Established.
- 7-202. Primary responsibility.
- 7-203. Service is non-obligatory.
- 7-204. Subscribing to service.
- 7-205. Subscription fee.
- 7-206. Service call fee.
- 7-207. Forfeiture of service.
- 7-208. Fees not refundable.
- 7-209. Availability.
- 7-210. Fees collected shall be deposited to the general fund.
- 7-211. Authorization to increase fees.
- 7-212. Mutual aid and contract fire fighting services.
- 7-213. Policies and procedures.
- 7-214. Effective date.
- 7-215. Contract for fire services with Cheatham County, Tennessee.

7-201. Established. There is hereby established a rural subscription fire fighting service ("rural subscription service") to be rendered by the fire department of the Town of Kingston Springs, Tennessee, utilizing the personnel and apparatus thereof, to the property situated outside the corporate limits of the municipality. The "rural fire service area" outside the corporate limits is described as follows: bounded on the west by the Dickson County line; bounded on the south by the Williamson County line; bounded on the east by line approximately 150 feet west of the intersection of South Harpeth Road and Anderson Road running due north from the southerly boundary to its intersection with the South Harpeth River and continuing in a northwesterly direction along the common corporate limits boundary between the Town of Kingston Springs and the Town of Pegram; then continuing due north from the most northeasterly point of the Town of Pegram corporate limits to its intersection with the eastern terminus of an unnamed creek making up part of the northern boundary herein; bounded on the north by an unnamed creek that flows approximately due west into the Harpeth River at Horseshoe Bend; thence continuing in a westerly direction along the Harpeth River to the Dickson County line. (as replaced by Ord. #00-010, Jan. 2001)

7-202. Primary responsibility. The primary responsibility of the Town of Kingston Springs Fire Department is for the protection of citizens and property situated within the corporate limits of the municipality and, therefore, neither the personnel nor the apparatus and equipment of the town shall be

dispatched to the rural fire service area when, in the opinion of the fire chief of the department, there is no sufficient personnel, apparatus and equipment available due to then existing emergency or commitments within the municipality for on-going fire fighting effort and/or for then existing requirements for standby protection of the citizens and property within the corporate limits. Under such conditions, fire fighting services shall not be provided within the rural fire service area, notwithstanding that a fire may then be occurring or threatened to occur within the rural fire service area and notwithstanding that any person or property owner shall have paid the requisite fees or otherwise complied with the policies and procedures in effect and in such event mutual aid will be requested. No duty is created by this chapter to respond or to stay at the scene of an emergency outside the corporate limits. (as added by Ord. #00-010, Jan. 2001)

7-203. Service is non-obligatory. Rural subscription service is a non-obligatory service of the town available to subscribing residents and property owners within the rural fire service area that is offered and rendered with the understanding of the primary responsibility of the Town of Kingston Springs Fire Department. Accordingly, any subscriber of subscription service shall acknowledge in writing the priority of such primary responsibility and notwithstanding the payment of applicable fees, the providing of fire fighting or protection services shall always be subject to such criteria and shall be set forth in the subscriber application form. The town shall not be responsible for any damage or loss incurred by any person or to any property within the rural fire service area due to a failure at any time to respond with personnel or apparatus to a rural fire call because of lack of sufficient or available personnel or apparatus in the opinion of the fire chief. All subscribers by their execution of an application for subscription service and the payment of the required fees agree to the terms, provisions and conditions of this chapter. (as added by Ord. #00-010, Jan. 2001)

7-204. Subscribing to service. Any person, firm, organization or corporation may apply to the Town of Kingston Springs and be granted subscription service for an individual tract or parcel of land, improved structures, accessory buildings and improvements or for single commercial business operations with accessory buildings and improvements. There is no limit on the number of subscriptions that may be held by any one person, firm, organization or corporation. Depending on the nature of the service requested and the capability to provide fire fighting service, the town may refuse to grant subscription service. (as added by Ord. #00-010, Jan. 2001)

7-205. Subscription fee. A subscriber shall pay an annual subscription fee for rural fire service in accordance with the following fee schedule. The fee

shall be applicable for the fiscal year beginning July 1 and ending June 30 during which subscription service shall be in effect.

FEE SCHEDULE:

Application and set up fee for subscription or re-subscription for lapsed service after 7/1/2001	\$25.00
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Single Family/Duplex Residential

Prior to July 1, 2001	Fee = \$150	
July 1 - Feb. 1, 2002	Fee = \$175	(\$150 + \$25 setup fee)
Feb. 1 - July 1, 2002	Fee = \$100	(\$75 + \$25 setup fee)

Commercial Retail and Services

Prior to July 1, 2001	Fee = \$300	
July 1 - Feb. 1, 2002	Fee = \$325	(\$300 + \$25 setup fee)
Feb. 1 - July 1, 2002	Fee = \$175	(\$150 + \$25 setup fee)

Manufacturing and HazMat* Sites

Prior to July 1, 2001	Fee = \$500	
July 1 - Feb. 1, 2002	Fee = \$525	(\$500 + \$25 setup fee)
Feb. 1 - July 1, 2002	Fee = \$275	(\$250 + \$25 setup fee)

Seniors with ACV Qualification

Prior to July 1, 2001	Fee = \$50	
July 1 - Feb. 1, 2002	Fee = \$75	(\$50 + \$25 setup fee)
Feb. 1 - July 1, 2002	Fee = \$50	(\$25 + \$25 setup fee)

*HazMat sites include businesses that utilize or have stored on site petroleum products and chemicals.

For those subscribing after July 1, 2001 residential and commercial rural fire service would begin within 7 days of receiving payment.

Churches in the rural service area which are exempt from paying county property taxes are exempt from paying a rural fire service fee.

All active Town of Kingston Springs volunteer fire fighters which would otherwise be residential subscribers are exempt from fees while they are in good standing. (as added by Ord. #00-010, Jan. 2001)

7-206. Service call fee. A subscriber may be billed a service call fee of up to five hundred (\$500.00) dollars for each and every service call made to the property of a subscriber to render fire fighting services. (as added by Ord. #00-010, Jan. 2001)

7-207. Forfeiture of service. Failure of any person, firm, organization or corporation to pay the annual subscription fee when due shall immediately cause forfeiture of subscription service and of any fire services as herein provided. (as added by Ord. #00-010, Jan. 2001)

7-208. Fees not refundable. All annual subscription and service call fees paid hereunder and any administrative set-up fee set forth in the policies and procedures for implementation of this chapter shall not be refundable. The town deems that the subscription service runs within the land. The town will make no proration of subscription fees between property owner transferors and transferees. (as added by Ord. #00-010, Jan. 2001)

7-209. Availability. Subscription service shall not be available within the rural fire service area based upon any oral request or application made by any person, firm, organization or corporation, whether before or after a fire shall be in progress. Any subscriber meeting all of the requirements of this chapter, including payments required hereunder, shall be eligible for rural fire service seven (7) days from full compliance. (as added by Ord. #00-010, Jan. 2001)

7-210. Fees collected shall be deposited to the general fund. All funds received by the town for subscription service shall be earmarked for expenditure in the fire fighting service of the town and they shall be promptly deposited to the general fund of the town, subject to appropriation by the board of commissioners. Records shall be maintained and administration of the subscription service shall be under the supervision of the fire chief and city manager and all shall be maintained in the office of the city recorder. (as added by Ord. #00-010, Jan. 2001)

7-211. Authorization to increase fees. At any time the board of commissioners may increase the amount of any fee required to be paid hereunder for subscription service and upon notice thereof, any person, firm, organization or corporation desiring to continue his, her or its service shall deposit additional fees within thirty (30) days from the effective date thereof or otherwise continuation of service shall terminate. (as added by Ord. #00-010, Jan. 2001)

7-212. Mutual aid and contract fire fighting services. Notwithstanding the provisions of this chapter, the fire department chief and town retain the right to enter into mutual aid agreements with other fire departments and to otherwise contract for fire fighting and emergency services when consistent with the Local Government Emergency Assistance Act, Tennessee Code Annotated, § 58-21-601, et seq., as amended, and Tennessee Code Annotated, § 6-54-601, et seq. and the policies and procedures hereafter in full force and effect. (as added by Ord. #00-010, Jan. 2001)

7-213. Policies and procedures. The fire chief and city manager shall promulgate policies and procedures to implement the provisions of this chapter for rural fire fighting and emergency services when not inconsistent herewith, and the same shall be made available to any subscriber or potential subscriber. The current policies and procedures shall be maintained in the office of the city recorder. (as added by Ord. #00-010, Jan. 2001)

7-214. Effective date. The provisions of this chapter requiring paid subscription shall be in full force and effect thirty (30) days from and after adoption and the implementation effective date shall be August 23, 2001. (as added by Ord. #00-010, Jan. 2001, and amended by Ord. #01-004, June 2001)

7-215. Contract for fire services with Cheatham County, Tennessee. The provisions of §§ 7-201 thru 7-213 shall not be applicable during the term of a contract for fire services with Cheatham County, Tennessee, by virtue of its levy of a fire district tax upon the properties within the rural fire service area set forth in § 7-201. Upon expiration of the term of the contract with Cheatham County, Tennessee, the provisions set forth in §§ 7-201 thru 7-214 shall be enforceable. (as added by Ord. #05-003, May 2005)

CHAPTER 3

FIREWORKS¹

SECTION

- 7-301. Purpose.
- 7-302. Definition of terms.
- 7-303. Permit required.
- 7-304. Permit fee.
- 7-305. Privilege licenses required.
- 7-306. Permissible types of fireworks.
- 7-307. Conditions for sale and use permissible items.
- 7-308. Retail sale of permissible items - time limitations - exceptions.
- 7-309. Public displays - permits - regulation.
- 7-310. Regulations governing storing, locating or display of fireworks.
- 7-311. Unlawful acts in the sale, handling or private use of fireworks.
- 7-312. Seizure and destruction of fireworks.
- 7-313. Penalty for violation.
- 7-314. Exceptions to application.

7-301. Purpose. The purpose of this chapter is to provide an ordinance for regulation of the manufacture, sale, display and use of certain fireworks for both private and public display within the corporate limits of the Town of Kingston Springs, Tennessee setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (as added by Ord. #97-017, § 1, Feb. 1998)

7-302. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise.

(1) "Distributor" means any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a retailer, wholesaler, or any person who receives, brings, or imports any fireworks of any kind, in any manner into the Town of Kingston Springs, except to a holder of a manufacturer's, distributor's or wholesaler's permit issued by the State Fire Marshal and the Kingston Springs City Manager.

(2) "D.O.T. class C common fireworks" means all articles of fireworks as are now or hereafter classified as "D.O.T. Class C common fireworks" in the

¹These provisions were taken from Ord. #97-017 (Feb. 1995). Section 2 of that ordinance provides that the ordinance shall take effect from and after July 6, 1998, and publication in a newspaper of general circulation, the public welfare requiring it.

regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles.

(3) "Manufacturer" means any person engaged in the making, manufacture or construction of fireworks of any kind within the Town of Kingston Springs.

(4) "Permit" means the written authority of the city manager issued under the authority of this chapter.

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

(6) "Retailer" means any person engaged in the business of making retail sales of firework at specified times during the year as provided herein.

(7) "Sale" means an exchange of articles of fireworks for money and also includes the barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, co-partnership, or one (1) or more individuals.

(8) "Special fireworks" means all articles of fireworks that are classified is Class B explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C. (as added by Ord. #97-017, § 1, Feb. 1998)

7-303. Permit required. It shall be unlawful for any person to sell, offer for sale, ship or cause to be shipped into the Town of Kingston Springs, except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler or retailer, from both the Town of Kingston Springs City Manager and the State Fire Marshal (as required by T.C.A. § 68-104-101 et seq.), possession of said permits being hereby made a condition prerequisite to selling or offering for sale, shipping or causing to be shipped any fireworks into the Town of Kingston Springs, except as herein provided. Permits issued under this section are not transferable. No permit shall be issued for manufacturing of fireworks within the Town as the same is prohibited. (as added by Ord. #97-017, § 1, Feb. 1998)

7-304. Permit fee. The permit fee for the permit provided for in section 7-303 of this chapter shall be one thousand (\$1,000.00) dollars and the permit shall be valid for thirty (30) days. However, the board of commissioners may in its discretion waive the permit fee for any non-profit organization requesting the permit. (as added by Ord. #97-017, § 1, Feb. 1998, and amended by Ord. #00-007, Sept. 2000)

7-305. Privilege licenses required. The issuance of permits provided for herein shall not replace or relieve any person of state, county or municipal privilege licenses as now or hereafter provided by law. (as added by Ord. #97-017, § 1, Feb. 1998)

7-306. Permissible types of fireworks. It is unlawful for any individual, firm, partnership or corporation to possess, sell or use within the Town of Kingston Springs, or ship into the Town of Kingston Springs, except as provided in this chapter, any pyrotechnics commonly known as "fireworks" other than the following permissible items:

(1) Those items now or hereafter classified as D.O.T. Class 5 C common fireworks; or

(2) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations. (as added by Ord. #97-017, § 1, Feb. 1998)

7-307. Conditions for sale and use permissible items. No permissible articles of common fireworks, shall be sold, offered for sale, or possessed within the Town of Kingston Springs, or used within the town, unless it is properly named and labeled to conform to the nomenclature of allowed fireworks and unless it is certified an "common fireworks" on all shipping cases and by imprinting on the article or retail container "D.O.T. Class C common fireworks", such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. The fire marshal of the State of Tennessee regulations relative to the possession and sale of fireworks, their storage and safety requirements, are here and now incorporated by reference herein, together with the National Fire Protection Association (NFPA 1124), and the Standard Fire Prevention Code, all in full force and effect within the town. (as added by Ord. #97-017, § 1, Feb. 1998)

7-308. Retail sale of permissible items - time limitations - exceptions. Permissible articles of fireworks may be sold at retail to residents of the Town of Kingston Springs and used within the Town of Kingston Springs from June 20th through July 5th, and December 10th through January 2nd of each year only, except that "fireworks" does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five one-hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five one-hundredths (25/100) grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers, containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or perchlorate sales may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches, and cigarette loads, the sale and use of which shall be permitted at all times. (as added by Ord. #97-017, § 1, Feb. 1998)

7-309. Public displays - permits - regulation. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the State Fire Marshal. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the Town of Kingston Springs shall include display shells designed to be fired from mortars and display set pieces of fireworks classed by the regulation of the United States Department of Transportation as "Class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have received written approval from the police chief and city manager, or their designees, and applied for and received a permit for such displays issued by the state fire marshal. Applicants for permits for such public displays shall be made in writing and shall show that the proposed display is to be so located and supervised that it is not hazardous to property and that it shall not endanger human lives. Possession of special fireworks for re-sale to holders of a permit for public fireworks displays shall be confined to holders of a distributors permit only. (as added by Ord. #97-017, § 1, Feb. 1998)

7-310. Regulations governing storing, locating or display of fireworks.

(1) Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within ten (10) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "fireworks--no smoking" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils or vanishes are for sale or use, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) All firework devices that are readily accessible to handling by consumers or purchaser, must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision.

(3) All firework devices sold under a duly issued permit must be located not less than three hundred (300) feet from any gasoline dispensing pump.

(4) As permits are temporary for a period not to exceed thirty (30) days, the permit shall state any sales site must be at all times free from litter

and debris, including the termination date of authorized selling periods. Violation of this provision, for which citation may issue, may give cause to refuse issuance of another permit for a period not to exceed three (3) years. (as added by Ord. #97-017, § 1, Feb. 1998)

7-311. Unlawful acts in the sale, handling or private use of fireworks.

(1) It is unlawful to:

(a) offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person;

(b) explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, public school or within five hundred (500) feet of where fireworks are stored, sold or offered for sale, or within five hundred (500) feet of a gasoline retailer or wholesale storage facility;

(c) ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people;

(2) All items of fireworks which exceed the limits of D.O.T. Class C common fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from shipment into, manufacture, possession, sale or use within the Town of Kingston Springs for any purpose. This subsection shall not effect display fireworks authorized by this chapter.

(3) Fail to comply with the town's zoning ordinance relative to minimum front building line set back requirements set forth in said ordinance at a retail sale site. (as added by Ord. #97-017, § 1, Feb. 1998)

7-312. Seizure and destruction of fireworks. (1) The Kingston Springs City Manager, or designee, may seize as contraband any fireworks other than "Class C common fireworks" or "special fireworks" for public displays, which are sold, displayed, used or purchased in violation of this chapter.

(2) Before any seized fireworks may be destroyed:

(a) If the owner of such seized fireworks is known, the city manager shall give notice by registered mail or personal service to such owner, of the fire chief's intention to destroy such seized materials. Such notice shall inform the owner of the owner's right to a hearing. Upon the request of the owner, the city manager shall conduct an appropriate contested case hearing concerning such destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in T.C.A. title 4, chapter 5.

(b) If the identity of the owner of any seized fireworks is not known to the city manager, the city manager shall cause to be published, in a newspaper of general circulation in the county wherein the seizure was made, notice of such seizure, and of the fire chief's intention to

destroy such fireworks. The notice shall be published once each week for three (3) consecutive weeks and if no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the fire chief may proceed to destroy the fireworks. If the owner does claim the fireworks within the time specified, a hearing as set out in this subsection shall be held. (as added by Ord. #97-017, § 1, Feb. 1998)

7-313. Penalty for violation. Any individual, firm, partnership or corporation that violates any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00). In addition, the Town of Kingston Springs may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (as added by Ord. #97-017, § 1, Feb. 1998)

7-314. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, and after approval of the county agricultural agent of the county in which the fireworks are to be used and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the Town of Kingston Springs. (as added by Ord. #97-017, § 1, Feb. 1998)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. BEER.
2. LIQUOR BY THE DRINK.
3. RETAIL PACKAGE ALCOHOLIC BEVERAGES.

CHAPTER 1

BEER²

SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Beer permits shall be restrictive.
- 8-109. Interference with public health, safety, and morals prohibited.
- 8-110. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-111. Prohibited conduct or activities by beer permit holders.
- 8-112. Privilege tax.
- 8-113. Civil penalty in lieu of suspension.
- 8-114. Revocation or suspension of beer permits.

8-101. Beer board established. There is hereby established a beer board to be composed of the board of commissioners. The chairman of the beer board shall be the mayor. (1984 Code, § 2-101)

8-102. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a

¹State law reference

Tennessee Code Annotated, title 57.

²State 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).

reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1984 Code, § 2-102)

8-103. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1984 Code, § 2-103)

8-104. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1984 Code, § 2-104)

8-105. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (1984 Code, § 2-105)

8-106. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1984 Code, § 2-106)

8-107. 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 T.C.A., § 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 Kingston Springs. Each applicant must be a person of good moral character and certify that applicant has reviewed and is familiar with the provisions of this chapter and those provisions set forth in the application form approved by the beer board. (Ord. #93-012, Oct. 1993, as replaced by Ord. #11-004, Nov. 2011)

8-108. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted

by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. A single permit may be issued for on premise and off premise consumption at the same location. Classification of permits for which the beer board may grant for the sale of beer are:

(1) "On-premise" permit. A permit may be issued to a person or business engaged in the sale of beer where the beer is to be consumed by a purchaser upon the premises of the permit holder.

(a) The privately maintained grounds of a golf course are deemed to be a part of the premises of the permit holder. No beer may be removed from the on-premise location, unless the permit so authorizes, and in no event shall an open container be removed from said location.

(b) Only upon leased or owned property outside of the public streets, public rights-of-way, sidewalks, alleys or bridges shall beer be sold. Outside serving areas are permitted. Such outdoor serving areas shall be within a well demarked area by a permanently affixed fencing, walls or posts or stanchions with roping or chains. Signage shall be permanently placed to the effect that no open containers be removed from business premises.

(c) A catering permit may be issued for the consumption of beer on premises of a designated catered site after meeting all of the requirements of this chapter and the remainder of the municipal code of ordinances. A caterer must be licensed under chapter 4, title 57, Tennessee Code Annotated, and must provide the beer board evidence of licensure to serve alcoholic beverages, other than beer, if applicable. An applicant holding an on-premises catering beer permit will not be required to pay an additional application fee. An applicant for an on-premises catering beer license will be subject to the permit fees set forth in § 8-107, to be paid annually.

(d) A special event permit upon payment of a special event application fee, non-refundable, in the amount of two hundred fifty dollars (\$250.00), and which may be issued for consumption of beer on-premises, as specified on the permit, for a single event not more than seventy-two (72) hours in duration. Such special event permit issued after application approval shall be valid up to three (3) times in a calendar year to an applicant. In conjunction with the approval of a special event beer permit, the applicant must provide preliminary approval by the building official and detail all matters of event security, parking, health department requirements and any other matters regulated by an adopted code.

(2) "Off-premise" permit. The holder of an off-premise permit shall only engage in the sale of beer for consumption, and not for resale of beer, off of the premises of said seller. No open containers and no consumption upon the owned or leased premises shall be permitted. The parking lot of permit holder is expressly a prohibited area for consumption of beer. Curb service and sales to persons in motor vehicles is prohibited. No sale shall occur unless the beer be sold in commercially sealed container(s). (1984 Code, § 2-108, as replaced by Ord. #11-004, Nov. 2011)

8-109. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer shall be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering or otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer to a permit holder within one hundred ninety feet (190') of any school or church, as measured in a straight line from the nearest corner of a school or church structure to the nearest corner of the structure where the beer is to be stored, sold or manufactured. For the purpose of this section, a school shall mean a public or private elementary, middle or high school. (1984 Code, § 2-110, as replaced by Ord. #05-004, May 2005, amended by Ord. #06-010, June 2006, and replaced by Ord. #11-004, Nov. 2011)

8-110. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten (10) years. If a permit is issued and no sale(s) under such permit occur for a six (6) month continuous period, said permit shall lapse. (1984 Code, § 2-111, as replaced by Ord. #11-004, Nov. 2011)

8-111. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

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

(2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer.

(3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(4) Make or allow any sale of beer to a minor under twenty-one (21) years of age.

(5) Allow any minor under nineteen (19) years of age to loiter in or about his place of business.

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

(7) Allow drunk or disreputable persons to loiter about his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(9) Fail to provide and maintain separate sanitary toilet facilities for men and women, if beer is consumed on the premises.

(10) On premises permit holders shall be prohibited from serving beer between the hours of 3:00 A.M. and 8:00 A.M. on Mondays through Saturdays and between the hours of 3:00 A.M. and 10:00 A.M. on Sundays. (1984 Code, § 2-112, modified, as amended by Ord. #04-006, May 2004)

8-112. 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 sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Kingston Springs, 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. #93-012, Oct. 1993)

8-113. 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. (Ord. #93-012, Oct. 1993)

8-114. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the board or commissioners.

A revocation hearing shall be held if the permit holder also holds a Tennessee Alcoholic Beverage Commission (TABC) permit and has been cited for a violation thereunder. (1984 Code, § 2-113, as replaced by Ord. #11-004, Nov. 2011)

CHAPTER 2

LIQUOR BY THE DRINK

SECTION

8-201. Annual privilege tax.

8-201. Annual privilege tax. There is here and now levied an annual privilege tax for collection from every person or entity which engages in the business of selling at retail alcoholic beverages for consumption on premises within the municipal limits of the Town of Kingston Springs, to wit:

LICENSE FEES

Restaurants:
Liquor and Wine

75 - 125 seats	\$ 600.00
126 - 175 seats	\$ 750.00
176 - 225 seats	\$ 800.00
226 - 275 seats	\$ 900.00
276 seats and over	\$1,000.00

Wine Only

40 - 125 seats	\$ 120.00
126 - 175 seats	\$ 150.00
176 - 225 seats	\$ 160.00
226 - 275 seats	\$ 180.00
276 seats and over	\$ 200.00

The city recorder upon final passage of this chapter shall forward a certified copy of this chapter to the Alcoholic Beverage Commission. (as added by Ord. #04-005, May 2004)

CHAPTER 3

RETAIL PACKAGE ALCOHOLIC BEVERAGES

SECTION

- 8-301. Alcoholic beverages subject to regulation.
- 8-302. Terms defined.
- 8-303. Application for certificate of good moral character.
- 8-304. Applicant to agree to comply with laws.
- 8-305. Applicant to appear before board of commissioners; duty to give information.
- 8-306. Action on application.
- 8-307. Residency requirement.
- 8-308. Applicants for certificate who have criminal record.
- 8-309. Only one establishment to be operated by retailer.
- 8-310. Where establishments may be located.
- 8-311. Retail stores to be on ground floor; entrances.
- 8-312. Limitation on number of retailers.
- 8-313. Sales for consumption on premises.
- 8-314. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-315. Inspection fee.
- 8-316. Manufacturing prohibited.
- 8-317. Display of license.
- 8-318. Curb service.
- 8-319. State law deemed as a municipal violation.
- 8-320. Violations.

8-301. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing or to purchase or possess alcoholic beverages within the corporate limits of this town, except as provided by Tennessee Code Annotated, title 57, and in accordance with state law rules and regulations thereunder and as provided in this chapter. (as added by Ord. #06-002, April 2006)

8-302. Terms defined. Whenever used herein, unless context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contain an alcoholic content of five (5%) percent by weight or less; this chapter shall not apply to beer as carried in chapter 1.

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

(3) "Retail sale" or "sale at retail" means a sale at retail any beverage for the sale of which a license is required under the provisions herein.

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

(5) "Manufacturer" means and includes a distiller, vintner and rectifier. "Manufacturer" means and includes distilling, rectifying and operating a winery.

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

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

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

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

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

(11) "Curb service" means all sales transacted outside the building where the business is carried on. The intent of this provision being to insure that the sale and purchase of alcoholic beverages is transacted in a face-to-face meeting between the salesperson and the customer, with the customer outside of a motor vehicle and under such circumstances that the salesperson has a reasonable opportunity to determine if the customer is then in an intoxicated condition or is a minor. (as added by Ord. #06-002, April 2006)

8-303. 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, an application in writing shall be filed with the town manager on a form to be provided by the town, giving the following information:

(1) Name, age and address of the applicant;

(2) Number of years residence in Cheatham County;

(3) Occupation or business and length of time engaged in such occupation or business;

(4) Whether or not the applicant has been convicted of a violation of any state or federal law or the violation of this code or any municipal ordinance, and the details of any such conviction;

(5) If employed, the name and address of employer;

- (6) If in business, the kind of business and location thereof;
- (7) The location of the proposed store for the sale of alcoholic beverages;
- (8) The name and address of the owner of the store;
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

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

Each application shall be accompanied by a non-refundable investigation fee of two hundred fifty dollars (\$250.00). (as added by Ord. #06-002, April 2006)

8-304. Applicant 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 town and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #06-002, April 2006)

8-305. Applicant to appear before board of commissioners; duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the board of commissioners for such reasonable examination as may be desired by the board. (as added by Ord. #06-002, April 2006)

8-306. 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 attorney for review, each of whom shall submit his findings to the board of commissioners within thirty (30) days of the date each application was filed.

The mayor or a majority of the board of commissioners may issue a certificate of moral character to any applicant. The approval of an applicant given by the town shall be in compliance with Tennessee Code Annotated, § 57-3-208 and shall be evidenced by a certificate of compliance as a condition precedent to the issuance of a license by the state. (as added by Ord. #06-002, April 2006)

8-307. Residency requirement. The applicant for a certificate of good moral character shall have been a bona fide resident of Cheatham County, Tennessee for a period of at least two (2) years at the time application be filed. If the applicant is a partnership or corporation or limited liability company, each of the partners or the corporation's manager or limited liability company's managing member shall have been a resident of Cheatham County, Tennessee

for a period of two (2) years at the time the application is filed. This section shall not apply to an applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years. (as added by Ord. #06-002, April 2006)

8-308. Applicants for certificate who have criminal record. No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages or for the manufacture or vinting of wine shall be issued to any person (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of good moral character, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #06-002, April 2006)

8-309. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one 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 or business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #06-002, April 2006)

8-310. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the town, except at locations zoned for that purpose, currently designated as a C-2 zone district use, but in no event shall any establishment be within three hundred (300) feet of a church or school, as measured in a straight line from the nearest corner of a school or church structure to the nearest corner of the structure where the alcoholic beverages be stored or sold. (as added by Ord. #06-002, April 2006)

8-311. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one main entrance; provided, that when a store is located on the corner of two (2) streets, such stores may maintain a door opening on each such street, and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #06-002, April 2006)

8-312. Limitation on number of retailers. No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (as added by Ord. #06-002, April 2006)

8-313. Sale for consumption on premises. No alcoholic beverages shall be sold for consumption on the premises of the seller. (as added by Ord. #06-002, April 2006)

8-314. Radios, amusement devices and seating facilities--prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #06-002, April 2006)

8-315. Inspection fee. The Town of Kingston Springs hereby imposes an inspection fee in the amount of five (5%) percent of the wholesale price of alcoholic beverages supplied by a wholesaler pursuant to and allowed by Tennessee Code Annotated, § 57-3-501. Collection and remission of inspection fees shall be pursuant to Tennessee Code Annotated, §§ 57-3-502 and 57-3-503 as to all licensed retailers of alcoholic beverages located within the municipal limits. (as added by Ord. #06-002, April 2006, and amended by Ord. #06-11, Sept. 2006)

8-316. Manufacturing prohibited. The manufacture of alcoholic beverages is prohibited within the corporate limits. (as added by Ord. #06-002, April 2006)

8-317. Display of licenses. Every retail licensee shall display and post conspicuously in their store premises their requisite license and the signage required in Tennessee Code Annotated, § 57-3-204 to carry on business. (as added by Ord. #06-002, April 2006)

8-318. Curb service. The sale and delivery of alcoholic beverages shall be confined to retail store premises and curbside service is prohibited. (as added by Ord. #06-002, April 2006)

8-319. State law deemed as a municipal violation. The provisions of Tennessee Code Annotated, §§ 57-3-210 and 57-3-404 through 57-3-406, regulatory requirements are here and now incorporated by reference as a municipal code of the town, as if fully set forth herein, and violation of any part thereof shall be deemed a municipal code violation. (as added by Ord. #06-002, April 2006)

8-320. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction be punishable by a penalty under the general penalty provisions of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #06-002, April 2006)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. CABLE TELEVISION.

CHAPTER 1

CABLE TELEVISION

SECTION

9-101. To be furnished under franchise.

9-101. To be furnished under franchise.² Cable television service shall be furnished to the city and its inhabitants under such franchise as shall be granted by the board of commissioners, which franchise shall clearly state the obligations and rights of the city and its inhabitants and the grantee, and shall be binding upon the parties thereto.

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.

²For complete details relating to the cable television franchise agreement see Ord. #82-002 dated May 22, 1982 and any amendments, in the office of the city recorder.

TITLE 10

ANIMAL CONTROL

CHAPTER

1. DOGS.
2. DANGEROUS AND VICIOUS ANIMALS.
3. KEEPING OF LIVESTOCK AND POULTRY FOWL.

CHAPTER 1

DOGS

SECTION

- 10-101. Rabies vaccination and registration required.
- 10-102. Dogs to wear tags.
- 10-103. Running at large prohibited.
- 10-104. Vicious dogs to be securely restrained.
- 10-105. Noisy dogs prohibited.
- 10-106. Confinement of dogs suspected of being rabid.
- 10-107. Seizure and disposition of dogs.

10-101. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1984 Code, § 3-101)

10-102. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1984 Code, § 3-102)

10-103. Running at large prohibited.¹ It shall be unlawful for any person to permit any dog owned by him or under his control to run at large within the corporate limits. (1984 Code, § 3-103, as amended by Ord. #96-004, July 1996)

10-104. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1984 Code, § 3-104)

¹State law reference

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

10-105. 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. (1984 Code, § 3-105)

10-106. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1984 Code, § 3-106)

10-107. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of commissioners. 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 a reasonable pound fee, in accordance with a schedule approved by the board of commissioners, 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 had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1984 Code, § 3-107)

¹State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

CHAPTER 2

DANGEROUS AND VICIOUS ANIMALS

SECTION

- 10-201. Definitions.
- 10-202. Keeping of dangerous animals prohibited.
- 10-203. Dangerous animals; exceptions.
- 10-204. Seizure, impoundment and disposition of dangerous animals.
- 10-205. Keeping of vicious animals prohibited.
- 10-206. Vicious animals; exceptions.
- 10-207. Seizure, impoundment and disposition of vicious animals.

10-201. Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings in this chapter.

(1) "Dangerous animal" means:

(a) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animal and having known tendencies as a species to do so;

(b) The following animals shall be deemed to be dangerous animals per se: (1) Drills and Mandrills (genus Mandrillus); (2) Baboons (genus Papaio); (3) Gelda Baboons (genus Theropithecus); (4) Leopards; (5) Jaguars; (6) Tigers; (7) Lions; (8) Bears; (9) Poisonous Reptiles not native to Tennessee; (10) Llamas (Lama Peruana); (11) Bison (bonasus and Bisonbison); (12) Primates not otherwise classified; (13) Camels (Camelus bactrians and Camelus dromedarius); (14) Alpacas; (15) Guanacos; (16) Mouflon Sheep; (17) White-Tailed Deer; (18) Black Bears; (19) Bobcats; (20) Cougars; (21) Wild Turkeys; (22) Monk and Black Hooded Parakeets; (23) Wolves; (24) Coyotes; (25) Foxes; (26) Badgers; (27) Wolverines; (28) Weazles; (29) Skunks; (30) Mink; (31) Bats; (32) Alligators and Crocodiles; (33) Piranhas; (34) Fighting game chickens and fighting game roosters.

(2) "Vicious animal" means any animal except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities presently or by past conduct including such that said animal:

(a) Has bitten or clawed a person or persons on two (2) separate occasions within a twelve (12) month period;

(b) Did bite or claw once causing injuries above the shoulders of a person;

(c) Could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or

(d) Has attacked any domestic animal or fowl on three (3) separate occasions within a twelve (12) month period. (Ord. #87-011, Feb. 1988)

10-202. Keeping of dangerous animals prohibited. No person shall keep, shelter or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter or harbor such animal for any other purpose or in any other capacity within the City of Kingston Springs, except as provided in § 10-203 of this code. (Ord. #87-011, Feb. 1988)

10-203. Dangerous animals; exceptions. The prohibition contained in §10-202 of this code shall not apply to the keeping of dangerous animals in the following circumstances:

(1) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

(2) The keeping of dangerous animals for exhibition to the public by a bonafide traveling circus, carnival, exhibit or show.

(3) The keeping of dangerous animals in a bona fide licensed veterinary hospital for treatment.

(4) The keeping of dangerous animals by a wildlife rescue organization with an appropriate permit from the City of Kingston Springs.

(5) Any dangerous animals under the jurisdiction of and in possession of the Tennessee Wildlife Resources Agency or the Tennessee Department of Conservation. (Ord. #87-011, Feb. 1988)

10-204. Seizure, impoundment and disposition of dangerous animals.

(1) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to person or property, such an animal may, and in the discretion of the city manager or his or her designee, be destroyed if it cannot be confined or captured. The City of Kingston Springs shall be under no duty to attempt the confinement of a dangerous animal found at large, nor shall it have a duty to notify of such animal prior to its destruction.

(2) Upon the complaint of an individual that a person is keeping, sheltering or harboring a dangerous animal per se on premises in the City of Kingston Springs, the city manager shall cause the matter to be investigated, and after investigation, the facts indicate the person named in the complaint is keeping, sheltering, harboring a dangerous animal per se in the city, the city manager shall immediately cause the animal to be seized. An animal so seized

shall be impounded for a period of seven (7) days. If at the end of the impoundment period the individual keeping, sheltering or harboring such dangerous animal per se has not petitioned the board of commissioners seeking return of such dangerous animal per se, the city manager shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this chapter to possess dangerous animals, or destroy such animal in a humane manner.

(3) Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal other than a dangerous animal per se on premises in the City of Kingston Springs, the city manager shall cause the matter to be investigated, and if after investigation, the facts indicate the person named in the complaint is keeping, sheltering or harboring such a dangerous animal in the corporate limits, the city manager shall order the person named in the complaint to safely remove such animal from the City of Kingston Springs, permanently place the animal with an organization or group allowed in this chapter to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such an order. Such order shall be contained within a notice to remove the dangerous animal, which shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order or notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the city manager shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without serious physical harm or death to any person.

(4) The order to remove a dangerous animal other than a dangerous animal per se issued by the city manager may be appealed to the board of commissioners. In order to appeal such order, written notice of appeal must be filed with the city manager within three (3) days after the receipt of an order contained in a notice to remove dangerous animal. Failure to file such written notice and appeal shall constitute a waiver of right to appeal the order of the city manager.

(5) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city hall. Such appeal shall be scheduled within seven (7) days of the receipt of the notice of appeal. The hearing may be confirmed for good cause. After such hearing, the board of commissioners may affirm or reverse the order of the city manager. Such determination shall be contained in a written decision and shall be filed with the city manager within three (3) days after the hearing, or any continued session thereof.

(6) If the board of commissioners affirm the action of the city manager, the board shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group

allowed under this chapter of this code to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as notice of removal. If the original order of the city manager is not appealed and is not complied with within three (3) days or the order of the board of commissioners after appeal is not complied with within three (3) days of its issuance, the city manager or his or her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of impoundment period, the individual or entity against whom the decision and order of the city manager or board of commissioners was issued has not petitioned the Chancery Court for Cheatham County, Tennessee for a review of said order, the city manager shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the city manager issued pursuant hereto and not appealed, or of the board of commissioners after appeal, shall constitute a misdemeanor offense and that person shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) per each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. #87-011, Feb. 1988)

10-205. Keeping of vicious animals prohibited. No person shall keep, shelter or harbor for any reason within the city a vicious animal so defined herein, except as provided in § 10-206 of this code. (Ord. #87-011, Feb. 1988)

10-206. Vicious animals; exceptions. The prohibition contained in § 10-205 of this code shall not apply to the keeping of vicious animals in the following circumstances:

- (1) Animals under the control of a law enforcement or military agency.
- (2) The keeping of guard dogs. However, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of §§ 10-205 and 10-207 of this code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," "vicious dog," or words of similar import, and the owner of such premises shall inform the city manager that a guard dog is on duty at said premises. (Ord. #87-011, Feb. 1988)

10-207. Seizure, impoundment and disposition of vicious animals.

- (1) The city manager or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the city manager or his or her designee. The person, firm, or corporation owning, keeping, sheltering,

or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the city or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(2) If, after hearing, the city manager or his or her designee determines that an animal is vicious, the city manager or his or her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the city, or to cause it to be destroyed in humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the city manager or his or her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the city manager or his or her designee was issued has not appealed such order to the board of commissioners, the city manager or his or her designee shall cause the animal to be destroyed.

(3) The order to remove or destroy a vicious animal issued by the city manager or his or her designee may be appealed to the board of commissioners. In order to appeal such order, written notice of appeal must be filed with the mayor within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the city manager or his or her designee.

(4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city hall. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the board of commissioners may affirm or reverse the order of the city manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the city manager within three days after the hearing, or any continued session thereof.

(5) If the board affirms the action of the city manager or his or her designee, the board shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal, shall remove such animal from the city or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the city manager or his other designee is not appealed and is not complied with within three (3) days or the order of the board after appeal is not complied with within three (3) days of its issuance, the city

manager or his or her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the city manager or his or her designee and/or the board was issued has not petitioned the Chancery Court for Cheatham County for a review of said order, the city manager or his or her designee shall cause the animal to be destroyed in a humane manner.

(6) Failure to comply with an order of the city manager or his or her designee issued pursuant hereto and not appealed, or of the board of commissioners after appeal, shall constitute a misdemeanor offense punishable as is set forth in § 10-204.

(7) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the city manager or his or her designee may immediately destroy it.

(8) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the city. (Ord. #87-011, Feb. 1988)

CHAPTER 3

KEEPING OF LIVESTOCK AND POULTRY FOWL

SECTION

10-301. Keeping of livestock and poultry fowl prohibited.

10-302. Livestock and poultry fowl enclosures.

10-303. Agricultural endeavors.

10-304. Exception as to poultry.

10-301. Keeping of livestock and poultry fowl prohibited. From and after July 1, 2013, it shall be unlawful for any person to keep or allow to be kept cattle, horses, sheep, goats, swine and poultry fowl, except as hereafter set forth within the corporate limits. Further, it shall be unlawful for any person owning or in charge of any of the afore stated livestock and poultry fowl prior to the effective date, to knowingly or negligently permit such livestock or poultry fowl to run at large and in violation of Tennessee Code Annotated, § 44-8-401. (as added by Ord. #13-001, April 2013)

10-302. Livestock and poultry fowl enclosures. Any permitted livestock or permitted poultry fowl being kept within the corporate limits in a building, structure, corral, pen, coop or enclosure shall be kept and maintained at all times in a clean and sanitary condition. No animal or fowl shall be kept so as to become a nuisance either because of noise, odor, contagious disease or other reason. (as added by Ord. #13-001, April 2013)

10-303. Agricultural endeavors. This chapter shall not prohibit the right to engage in active farming and keeping of livestock and poultry fowl as a part of agriculture, as permitted under existing state law, upon tracts of land three (3) acres in size or greater. (as added by Ord. #13-001, April 2013)

10-304. Exception as to poultry. Notwithstanding the prohibition as to the keeping of fowl and poultry in § 10-301 above, or any applicable zoning restrictions pertaining to the same, the keeping of certain poultry fowl may be permitted, subject to the following restrictions, prohibitions and conditions:

(1) The keeping of nineteen (19) domesticated hens (female chickens) and one (1) rooster, as poultry fowl, shall be allowed to be kept within a residential zone district.

(2) All other types of poultry fowl, including but not limited to ducks, geese, quail, pigeons, turkeys, ostriches, peacocks and emus are prohibited.

(3) All permitted poultry fowl shall be kept outside of a habitable structure in a fenced chicken enclosure (chicken run), and a portion of the chicken: enclosure must include a covered chicken coop structure (hen house).

The chicken enclosure shall be sufficient in size for the number of poultry fowl being kept.

(4) The chicken coop and enclosure shall be well maintained and regularly cleaned to as to control dust, odor and waste and not constitute a nuisance, safety hazard or health problem to the subject premises or surrounding properties. Proper maintenance shall include the removal of waste on a regular basis and disposal thereof in a proper manner. Chicken waste shall include excrement, uneaten food, feathers or other waste items. Any enclosure and coop not properly maintained shall be deemed as a nuisance and in violation of this section.

(5) Any food storage shall be kept in air tight, predator proof and weather proof containers. (as added by Ord. #13-001, April 2013)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking of alcoholic beverages and open containers on streets, etc.
11-102. Minors in beer places.

11-101. Drinking of alcoholic beverages and open containers on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of any alcoholic beverage in or upon any public way, park, school ground, sidewalk or any other public place which is to expressly include private property generally frequented by the public, unless said public place is duly licensed for on-premises consumption. (1984 Code, § 10-229, as replaced by Ord. #06-009, June 2006)

11-102. Minors in beer places.³ No person under eighteen (18) years of age shall loiter in or around or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1984 Code, § 10-222, modified)

¹Municipal code references

Animal control: title 10.

Housing and utilities: title 12.

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).

³Municipal code reference

Sale of beer within corporate limits: title 8.

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Disturbing the peace.

11-202. Anti-noise regulations.

11-201. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1984 Code, § 10-202)

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

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

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

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

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

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

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

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

(f) 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.

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1984 Code, § 10-233, modified)

CHAPTER 3

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-301. Escape from custody or confinement.

11-302. False emergency alarms.

11-303. Resisting or interfering with city personnel.

11-304. Impersonating a government officer or employee.

11-301. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1984 Code, § 10-209)

11-302. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such an act. (1984 Code, § 10-217)

11-303. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1984 Code, § 10-210)

11-304. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1984 Code, § 10-211)

CHAPTER 4

FIREARMS, WEAPONS AND MISSILES

SECTION

11-401. Air rifles, etc.

11-402. Throwing missiles.

11-403. Discharge of firearms.

11-401. 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 in such a manner as to cause damage to a person, property or wildlife. (1984 Code, § 10-213, as amended by Ord. 99-004, May 1999)

11-402. Throwing missiles. It shall be unlawful for any person to maliciously throw or discharge any object or missile upon public or private property capable of causing personal injury or damage to public or private property. (1984 Code, § 10-214, modified, as amended by Ord. 99-004, May 1999)

11-403. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality, except a shotgun on tracts of land located within the municipal limits which are fifteen acres in size or larger. Shotgun shot load must be smaller than a #4 shot. Upon meeting the aforesaid prerequisites, any person or entity which shall allow the shooting of shotguns upon their property shall notify the public safety department, during regular business hours, at least twenty-four (24) hours in advance, as to the property owner, address, telephone number and date(s) of the excepted shotgun shooting activity. Thereupon notification to the town's public safety department, the person or entity will be issued a notice confirmation number. Failure to so obtain notice confirmation shall be deemed an unauthorized discharge of firearms within the municipality. It shall be unlawful for a person to recklessly engage in conduct with a firearm which places or may place another person in imminent danger of death or serious bodily injury. Except as otherwise permitted by law, it shall be unlawful to discharge a firearm within 300 feet of a dwelling. Permissible discharge of a firearm shall include:

- (1) Lawfully performing duties as an officer of the law;
- (2) Legally defending a person or property;
- (3) Utilizing a legally established shooting range or shooting gallery;

and

(4) Participation in gun safety demonstrations and firings in connection with Tennessee Wildlife Resource Agency sanctioned hunter

education course authorized by Tennessee Code Annotated, § 70-2-208. (1984 Code, § 10-212, modified, as amended by Ord. 99-004, May 1999)

CHAPTER 5

MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-501. Malicious mischief.

11-502. Interference with traffic.

11-501. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1984 Code, § 10-225)

11-502. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1984 Code, § 10-232)

CHAPTER 6

MISCELLANEOUS

SECTION

11-601. Abandoned refrigerators, etc.

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

11-603. Posting notices, etc.

11-604. Curfew for minors.

11-605. Parks and recreation facilities rules and regulations.

11-606. Certain misdemeanors under state law.

11-601. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1984 Code, § 10-223)

11-602. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without placing thereon an adequate cover or safeguard. (1984 Code, § 10-231)

11-603. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1984 Code, § 10-227)

11-604. Curfew for minors. It shall be unlawful for any minor under the age of eighteen (18) years to be abroad between 11:00 P.M. and 6:00 A.M. Sundays through Thursdays, and Fridays and Saturdays from midnight and 6:00 A.M., unless going directly to or from a lawful activity or unless upon a legitimate errand for, or accompanied by, a parent, guardian or other adult person having lawful custody of such minor. (1984 Code, § 10-224, as replaced by Ord. #96-007, Sept. 1996)

11-605. Parks and recreational facilities rules and regulations. It shall be unlawful for any person to violate the following at City Park or L.L. Burns Park:

- (1) No person shall come upon said parks after posted use hours or at such times as gates may be locked.
- (2) All vehicular traffic allowed must comply with posted speed limits.
- (3) Littering is prohibited and no household or commercial garbage dumping in refuse containers is allowed.

(4) Fishing licenses are required and all persons must comply with Tennessee Wildlife Resources Agency regulations when fishing.

(5) Possession of firearms or weapons are prohibited.

(6) Hunting is prohibited.

(7) No swimming or boating of any kind is allowed in L.L. Burns Park lake.

(8) Tampering or removal of any property of the municipality is prohibited.

(9) Parking is allowed in designated posted areas only and no overnight parking or camping is permitted.

(10) All dogs or other domestic animals must be leashed with a maximum eight foot (8') length leash. All persons must properly dispose of any feces deposited by any leashed pet.

(11) No unlicensed motor vehicles are allowed and no licensed motor vehicle is permitted on any trails or planted grass areas.

(12) Alcoholic beverages, illegal drugs, fireworks and metal detectors are prohibited. Notwithstanding the foregoing general prohibition making it unlawful for any person to have, possess or consume alcoholic beverages in municipal park facilities, such shall be allowed at the activity center building premises in L.L. Burns Park under a duly issued permit, but not otherwise.

(13) The cutting, picking or destruction of any plant life is prohibited.

(14) No person shall utilize picnic pavilions during hours of posted reservation by the Parks and Recreation Department of the municipality.

(15) No person shall fail to observe any and all other posted regulations.

(16) The placement or erection of any sign, signboard, bulletin board, post, pole or placement of any kind of advertising in the park, without the consent of the parks director is prohibited. A permit may be issued for the erection of temporary directional signs or decorations on occasions of public celebration and activities as authorized within said parks.

(17) To tease, annoy, disturb, molest, catch, strike, injure or kill any wildlife is prohibited. The feeding of any bird or fowl shall occur only in areas designated by the parks director.

(18) The operation of a fixed or mobile concession, traveling exhibition, soliciting, selling, offering for sale, peddling, hawking or vending any goods or services is prohibited. Any of the foregoing activities may be allowed by permit for a sanctioned park activity as issued by the parks director or by a concession contract with the parks department and/or the town.

(19) The erection of a structure, tents, shelters or inflatable playground equipment is prohibited unless a permit has been issued by the parks director.

(20) No persons shall stay in a park after being directed to leave by a city employee or public safety officer.

(21) The removal, destroying, mutilation or defacing of any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, lighting system, sprinkling system or other park property is prohibited.

(22) No person shall ride or drive any motorized vehicle of any kind, land sailing device, horse or other equine on, over or through any park. Skateboards, rollerblades and rollerskates are restricted to designated areas.

(23) The use of profane or abusive language or to conduct oneself in a manner that interferes with the reasonable use of a park facility by the general public is prohibited.

(24) The conduct of a group rally of any kind as would conflict with any normal park usage is prohibited. A permit must be obtained in advance from the parks director for authorized use of parks' facilities to conduct any form of a group rally or function.

(25) No person shall build any fire in a park, except in areas designated and set aside for such purpose. (as added by Ord. #04-002, March 2004, and amended by Ord. #09-001, Feb. 2009, and Ord. #12-003, July 2012)

11-606. Certain misdemeanors under state law. All offenses against the State of Tennessee which are defined by state law to be misdemeanors punishable by a fine of fifty dollars (\$50.00) or less and confinement for a period of thirty (30) days or less are here and now designated and declared to be violations of the laws and ordinances of the Town of Kingston Springs and any such violation of this section, pursuant to the jurisdictional provisions of Tennessee Code Annotated, § 16-18-302, unless any other statutory provision of the State of Tennessee prohibits jurisdiction for violation being brought in the town's municipal court. (as added by Ord. #06-004, May 2006)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. [REPEALED.]
4. GAS CODE.
5. [REPEALED.]
6. [REPEALED.]
7. [REPEALED.]
8. [REPEALED.]
9. EXISTING BUILDING CODE.
10. MECHANICAL CODE.
11. ENERGY CONSERVATION CODE.
12. AUTOMATIC SPRINKLER SYSTEM ORDINANCE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Definitions.
- 12-103. Permit fees.
- 12-104. Reserved.
- 12-105. Available in recorder's office.
- 12-106. Violations.

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

¹Municipal code references

Engineering review and inspections: title 20, chapter 3.

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.

International Residential Code (IRC) and International Building Code (IBC)¹, 2009 editions, and Appendices G (Swimming Pool) and J (Existing Building Code), of the International Residential Code, 2009 edition, together with a new permit fee schedule as appended hereto, as prepared, published and adopted by the International Code Council, are hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the building code. (Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified; Ord. #98-009, August 1998; and Ord. #01-009, Jan. 2002; replaced by Ord. #04-010, Nov. 2004, and amended by Ord. #10-008, Nov. 2010)

12-102. Definitions. (1) Whenever the building code refers to the "chief appointing authority," "chief administrator" or "jurisdiction," it shall be deemed to be a reference to the board of commissioners. When the "building official" or "enforcement officer" is named it shall, for the purposes of the building code, mean town's building inspector or such other person as the city manager shall have appointed or designated to administer and enforce the provisions of the building code.

(2) The definition of built space, as to be calculated on a per square foot basis for issuance of a permit in this chapter shall mean all space under roof, enclosed or not, basement and garage areas, but shall not include attic area not intended for use as a living area or capable of being converted to a future use living area by plan or design submitted by an applicant for permit issuance. (as replaced by Ord. #04-010, Nov. 2004)

12-103. Permit fees. (1) For all new structures erected, either built on site or off site, or to be constructed or placed, as well as structures or buildings to be altered, repaired, remodeled, used and occupied or any appurtenance connected or attached to any building or structure, or construction requiring improvements for which an inspection is required in this chapter, or for construction or placement of accessory structures, demotion of structures, connection of driveways to a structure connecting to a public street, installation of swimming pools, retaining walls, certain fences, temporary use structures, moving of structures, site preparation requiring grading, excavation or blasting, a permit as required will be issued by the town's building inspector upon payment of the sums according to a permit fee schedule as shall hereafter be set and established by resolution of the board of commissioners. Said permit fee schedule shall set any and all exemption payments of fees.

(2) For work for which a permit is required by this chapter and ordinance of the municipality for building, utility and housing codes, and work has started or proceeded prior to obtaining the required permit, the fees herein shall double, but the payment of such double fees shall not relieve any persons

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

from fully complying with the requirements of the building, utility and housing codes in the execution of the work, nor from any other penalties prescribed herein.

(3) The building inspector shall be the person authorized to issue all permits and is hereby authorized to issue any necessary stop work orders for the failure to secure a proper permit and for failure to comply with any and all building codes or other related construction ordinances of the town.

(4) A reinspection fee is authorized for failure of an applicant who has obtained a permit to perform work in accordance with the building code for any scheduled inspection required and said reinspection fee must be paid prior to requesting reinspection.

(5) All permit fees are payable to the Town of Kingston Springs, Tennessee. (Ord. #85-008, Oct. 1985, as amended by Ord. #86-003, Oct. 1986; Ord. #88-007, Aug. 1988; Ord. #94-003, Nov. 1994; and Ord. #97-012, Aug. 1997; and replaced by Ord. #04-010, Nov. 2004)

12-104. Reserved. (Ord. #88-009, Nov. 1988, as reserved by Ord. #04-010, Nov. 2004)

12-105. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as replaced by Ord. #04-010, Nov. 2004)

12-106. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the code herein adopted by reference and modified or amended. The violation of any section shall be punishable by a penalty under the general penalty provision of the municipal code of ordinances, each day a violation is allowed to continue constituting a separate offense. (as replaced by Ord. #04-010, Nov. 2004, and Ord. #10-008, Nov. 2010)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

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 city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code (IPC),² 2009 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. (Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified; Ord. #98-009, Aug. 1998; Ord. #01-009, Jan. 2002, and Ord. #10-008, Nov. 2010)

12-202. Modifications. (1) Definitions. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of commissioners.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code.

(2) Permit fees. Plumbing permit fees are included in the building permit fee.

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

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.

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the code herein adopted by reference and modified or amended. The violation of any section shall be punishable by a penalty under the general penalty provision of the municipal code of ordinances, each day a violation is allowed to continue constituting a separate offense. (as replaced by Ord. #10-008, Nov. 2010)

CHAPTER 3

[REPEALED]

(Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified; and Ord. #98-009, Aug. 1998, and repealed by Ord. #10-008, Nov. 2010)

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. [Repealed.]
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

12-401. 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) "Inspector" shall be deemed the inspector for the gas utility provider.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (as amended by Ord. #10-008, Nov. 2010)

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 installed, replaced, maintained, or repaired within the corporate limits shall

¹Municipal code reference

Gas system administration: title 19, chapter 1.

conform to the requirements of this chapter and to the model gas code which is currently enforced by the local gas utility provider which provides all inspections. (Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified; Ord. #98-009, Aug. 1998; Ord. #01-009, Jan. 2002, and Ord. #10-008, Nov. 2010)

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.

12-404. [Repealed.] (as repealed by Ord. #10-008, Nov. 2010)

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 board of commissioners.

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.

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 city manager; 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.

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 (6) inches 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.

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.

12-410. Fees. Gas permit fees are included in the building permit fee.

12-411. Violations and penalties. It shall be unlawful for any person to violate or fail to comply with any provision of the code herein adopted by reference and modified or amended. The violation of any section shall be punishable by a penalty under the general penalty provision of the municipal

code of ordinances, each day a violation is allowed to continue constituting a separate offense. (as replaced by Ord. #10-008, Nov. 2010)

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.

CHAPTER 5

[REPEALED]

(Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified;
and Ord. #98-009, Aug. 1998, and repealed by Ord. #10-008, Nov. 2010)

CHAPTER 6

[REPEALED]

(Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified;
and Ord. #98-009, Aug. 1998, and repealed by Ord. #10-008, Nov. 2010)

CHAPTER 7

[REPEALED]

(Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified;
and Ord. #98-009, Aug. 1998, and repealed by Ord. #10-008, Nov. 2010)

CHAPTER 8

[REPEALED]

(Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified;
and Ord. #98-009, Aug. 1998, and repealed by Ord. #10-008, Nov. 2010)

CHAPTER 9

EXISTING BUILDING CODE

SECTION

12-901. Existing building code adopted.

12-902. Modifications.

12-903. Available in recorder's office.

12-904. Violations.

12-901. Existing building code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of regulating buildings and structures to insure structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, within or without the city, the International Existing Building Code (IEBC),¹ 2009 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 existing building code. (Ord. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified; Ord. #98-009, Aug. 1998, and Ord. #10-008, Nov. 2010)

12-902. Modifications. Definitions. Whenever the existing building code refers to the "Chief Appointing Authority," or the "Chief Administrator" it shall be deemed to be a reference to the city council. When the "Building Official" is named it shall, for the purposes of the existing building code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the existing building code. (as amended by Ord. #10-008, Nov. 2010)

12-903. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the existing building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as amended by Ord. #10-008, Nov. 2010)

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

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

Change 12, November 18, 2010

12-16

each day a violation is allowed to continue constituting a separate offense. (as amended by Ord. #10-008, Nov. 2010)

CHAPTER 10

MECHANICAL CODE¹

SECTION

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

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 and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems, the International Mechanical Code (IMC)², 2009 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. #85-007, Oct. 1985, as amended by Ord. #88-008, Aug. 1988, modified, Ord. #98-009, Aug. 1998, Ord. #01-009, Jan. 2002, and Ord. #10-008, Nov. 2010)

12-1002. Modifications. Definitions. Wherever the mechanical code refers to the "Building Department," "Mechanical Official," or "Building Official," or "Inspector" it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the mechanical code.

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.

12-1004. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified or amended. The violation of any section shall be punishable under the general penalty provision of the municipal code of

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.

ordinances, each day a violation is allowed to continue constituting a separate offense. (as amended by Ord. #10-008, Nov. 2010)

CHAPTER 11

ENERGY CONSERVATION CODE¹

SECTION

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

12-1101. 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 buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the International Energy Conservation Code (IECC),² 2009 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. #10-008, Nov. 2010)

12-1102. Modifications. Whenever the energy conservation code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Kingston Springs. When the "building official" is named it shall, for the purposes of the energy conservation code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the energy conservation code. (as amended by Ord. #10-008, Nov. 2010)

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.

12-1103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy conservation code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as amended by Ord. #10-008, Nov. 2010)

12-1104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the code as herein adopted by reference and modified or amended. The violation of any section shall be punishable under the general penalty provision of the municipal code of ordinances, each day a violation is allowed to continue constituting a separate offense. (as replaced by Ord. #10-008, Nov. 2010)

CHAPTER 12

AUTOMATIC SPRINKLER SYSTEM ORDINANCE

SECTION

- 12-1201. New building construction.
- 12-1202. Building additions and requirements of other codes.
- 12-1203. Definitions.
- 12-1204. Additional requirements of sprinkler systems.
- 12-1205. Maintenance of system required.
- 12-1206. Fire inspection.
- 12-1207. Enforcement.
- 12-1208. Authority and purpose.

12-1201. New building construction. For the purpose of this ordinance, the term "building" shall mean any structure (excluding any barn or stable used exclusively for agricultural purposes) having a roof supported by columns or walls and intended for the shelter, storage, housing use, or enclosure of persons, animals or property.

The term "building" shall also include any garage, out building or other accessory building used for any commercial or industrial purposes. An approved automatic sprinkler system shall be installed in all areas of all new buildings according to the applicable International Fire Code (IFC), 2009 edition.

Exceptions:

- (1) (For single family detached dwelling only) Any detached accessory structure containing no life hazards upon review and written justification and approval by the fire marshal and building commissioner.
- (2) Open bay car wash. (as added by Ord. #06-005, July 2006, and amended by Ord. #10-009, Feb. 2011)

12-1202. Building additions and requirements of other codes. An approved automatic sprinkler system shall also be installed in any of the following circumstances:

- (1) When a building is, altered or renovated, an approved automatic sprinkler system must be installed in the, altered or renovated portion if, as a result of the, alteration or renovations, the building as a whole will meet any of the criteria listed in § 12-1201. Exception: single family dwelling, business occupancy, factory-industrial occupancy, mercantile occupancy. When the area and/or volume of such, altered or renovated portion, together with the area and/or volume of any other, alterations or renovations occurring since the effective date of this ordinance, exceeds twenty five percent (25%) of the area and/or volume of the building existing on the effective date of this ordinance, then an approved automatic sprinkler system must be installed in the entire building.

(2) When building is enlarged, an approved automatic sprinkler system must be installed in the enlarged portion if, as a result of the enlargement, the building will meet any of the criteria listed in § 12-1201. Notwithstanding the foregoing an existing commercial structure built and approved for occupancy on or before July 20, 2006, the final passage date of ordinance no. 06-005, there shall be allowed an enlargement whereby the to be built enlargement and existing building shall be required to have installed thereupon or therein an automatic sprinkler system, so long as the cumulative total enlargement shall not exceed twenty-five percent (25%) of the existing commercial structure.

(3) When an existing building containing two (2) or more units of occupancy is enlarged, altered or renovated and the enlarged, altered or renovated portion, together with the area and/or volume of any other enlargements, alterations or renovations occurring since the effective date of this ordinance, does not exceed ten percent (10%) of the area and/or volume of the building existing on the effective date of this ordinance, then an approved automatic sprinkler system is not required for existing buildings. When the area and/or volume of such enlarged, altered or renovated portion, together with the area and/or volume of any other enlargements, alterations or renovations occurring since the effective date of this ordinance, exceeds ten percent (10%) of the area and/or volume of the building existing on the effective date of this ordinance, then an approved automatic sprinkler system must be installed in the entire building.

(4) When a new dwelling or lodging unit is created in or added to an existing building, an approved automatic sprinkler system must be installed in the entire building if, as a result of the creation of the new unit, the building as a whole will meet the criteria of §§ 12-1201, 12-1202(1) and (2).

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

(6) When an automatic sprinkler system is installed in a single family dwelling or duplex it must comply with International Fire Code (IFC), 2009 edition. If the contractor/owner chooses to partially sprinkler a single family dwelling or duplex the attic space shall not be used for storage at any time. (as added by Ord. #06-005, July 2006, and amended by Ord. #06-018, Dec. 2006, and Ord. #10-009, Feb. 2011)

12-1203. Definitions. (1) "An approved automatic sprinkler system" means a system installed in accordance with International Fire Code (IFC), 2009 edition or a system approved by the state fire marshal's office.

(2) "Approved supervisory alarm system" means it must be connected to an UL listed and approved central station facility meeting the requirements of International Fire Code (IFC), 2009 edition.

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

(4) "Dwelling Unit," one or more rooms arranged for the use of one or more individuals living together, as in a single housekeeping unit normally having cooking, living, sanitary and sleeping facilities. For purposes of this standard, dwelling unit includes hotel rooms and lodging facilities, dormitory rooms, apartments, condominiums, sleeping rooms in nursing homes and similar living units.

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

(6) "Riser," the vertical supply pipes in a sprinkler system. (International Fire Code (IFC), 2009 edition)(as added by Ord. #06-005, July 2006, and amended by Ord. #10-009, Feb. 2011)

12-1204. Additional requirements of sprinkler systems. (1) Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local energy alarm panel to provide zone identification upon activation. The energy alarm panel shall be located as near as possible to the main exit door. There shall also be a building map located at the energy alarm panel showing each zone of the building.

(2) An approved automatic sprinkler system shall be equipped with an approved supervisory alarm system, which will transmit to an approved receiver. The determination of what systems and receivers are "approved" shall be made by the Fire Codes Official for the Town of Kingston Springs. Exception: Single family dwelling.

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

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

(5) Where building fire alarm facilities are provided, actuation of the extinguishing system shall also cause the building alarm to sound in accordance with International Fire Code (IFC), 2009 edition.

(6) Where building fire alarm facilities are not provided, actuation of the extinguishing system shall require at least one (1) building alarm to sound

within the facility. Alarms shall be installed in accordance with International Fire Code (IFC), 2009 edition.

(7) Where building fire alarm facilities are not provided in one or two family dwellings, all control valves must be placed in locked cabinet with an approved locking device. Actuation of the extinguishing system shall require at least one (1) building alarm to sound within the facility. Alarms shall be installed in accordance with International Fire Code (IFC), 2009 edition.

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

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

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

(11) Plans for an approved automatic sprinkler system shall be certified engineered plans and shall be subject to a plans review fee of two hundred fifty dollars (\$250.00) and any other costs incurred by the Town of Kingston Springs for third party review. (as added by Ord. #06-005, July 2006, and amended by Ord. #10-009, Feb. 2011)

12-1205. Maintenance of system required. Occupied or unoccupied buildings or portions thereof having a sprinkler system in place, whether or not such system is required by this ordinance, shall maintain all sprinklers and standpipe systems and all component parts in workable condition at all times, and it shall be unlawful for any owner or occupant or agent of either to reduce the effectiveness of the protection those systems provide. This section does not prevent the owner or occupant of a building from temporarily reducing or discontinuing the protection when necessary in order to conduct testing, repairs,

alterations or additions to the system, provided that the testing, repairs, alterations or additions are done in such a way to avoid the creation of a safety hazard, and provided that the fire department has been notified that the work will be done, informed of the time the system will be shut down and then notified when the system is put back on line. (as added by Ord. #06-005, July 2006)

12-1206. Fire inspection. The Fire Codes Official for the Town of Kingston Springs or his designee shall provide an initial inspection of the automatic fire suppression system or automatic sprinkler system for structures meeting the criteria for this ordinance. This inspection shall not guarantee proper installation of said system, but will insure that the system exists.

Further, all automatic sprinkler systems and appurtenances shall be installed, tested, inspected, and maintained in accordance with International Fire Code (IFC), 2009 edition and the Southern Building Code Congress International, Incorporated (SBCCI).

Any building containing an approved automatic sprinkler system shall be tested annually by a qualified sprinkler technician. A written copy of the yearly test report shall be forwarded to the fire codes official office. (as added by Ord. #06-005, July 2006, as amended by Ord. #10-009, Feb. 2011)

12-1207. Enforcement. Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of his ordinance, shall be guilty of a civil offense and shall be fined not in excess of fifty dollars (\$50.00) for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

When any violation of any provision of this ordinance shall be found to exist, the Fire Codes Official for the Town of Kingston Springs, or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town, including but not limited to the issuance of a "stop work" order to aid in the enforcement any of the provisions of this ordinance. (as added by Ord. #06-005, July 2006)

12-1208. Authority and purpose. This ordinance is adopted pursuant to the Charter of the Town of Kingston Springs, Tennessee, and all applicable laws of the State of Tennessee. (as added by Ord. #06-005, July 2006)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES.
5. TEMPORARY RESIDENTIAL STORAGE UNIT REGULATIONS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Throwing, dumping or depositing litter.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Overgrown and dirty lots.
- 13-106. Health and sanitation nuisances.

13-101. Throwing, dumping or depositing litter. A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited litter, which includes garbage, refuse, rubbish and all other waste materials, on property owned by another person without the permission of the owner or occupant of such property or on any city street or road, upon city parks or recreation areas, or upon any other city property within the corporate limits, except for property designated for that use. (1984 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1984 Code, § 8-105)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-111(9).

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1984 Code, § 8-106)

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 manager or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1984 Code, § 8-107)

13-105. Overgrown and dirty lots. (1) Nuisance declared. It is declared to be a nuisance for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of garbage, discarded appliances, trash, litter, or debris, including, but not limited to, abandoned, wrecked and/or dismantled inoperable vehicles or equipment, or parts thereof, or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property as stipulated and in the manner prescribed in this chapter.

(2) Designation of public officer or department. The board of commissioners designates the building inspector as the person to enforce the provisions of this chapter.

(3) Notice to property owner. It shall be the duty of the building inspector to enforce this section to serve notice upon the owner of record in violation of (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays and legal holidays. The notice shall be sent by certified United States Mail, return receipt requested, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of this section, and that the property of such owner may be cleaned-up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the building inspector shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. The cost shall be a lien upon the property in favor of the city.

(5) Appeal. The owner of record who is aggrieved by the determination and order of the building inspector may appeal the determination and order to the municipal judge. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(6) Judicial review. Any person aggrieved by an order under this chapter may seek judicial review of the order or act to the Circuit or Chancery Court of Cheatham County, Tennessee. The time period established in (3) above shall be stayed during the pendency of judicial review.

(7) Penalty. Any person violating any of the provisions of this chapter shall be guilty of a municipal misdemeanor and, upon conviction, shall be subject to a fine of not more than fifty dollars (\$50.00), or up to the maximum amount which the Legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. Each act in violation hereof shall be deemed a separate offense and each day such violation continues shall constitute a separate offense. (Ord. #93-004, Apr. 1993)

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. (1984 Code, § 8-109)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

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

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of commissioners finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #93-005, Apr. 1993, modified)

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

(2) "Governing body" shall mean the board of commissioners charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

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

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (Ord. #93-005, Apr. 1993, modified)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector or the person appointed and designated by the building inspector of the city, to exercise the powers prescribed by this chapter. (Ord. #93-005, Apr. 1993)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (Ord. #93-005, Apr. 1993, modified)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (1) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or (2) if the repair, alteration or improvement of said structure cannot be

made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #93-005, Apr. 1993, modified)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (Ord. #93-005, Apr. 1993, modified)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #93-005, Apr. 1993, modified)

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of Cheatham County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Cheatham County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Kingston Springs to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #93-005, Apr. 1993, modified)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human

occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Kingston Springs; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (Ord. #93-005, Apr. 1993, modified)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Cheatham County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #93-005, Apr. 1993, modified)

13-211. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (Ord. #93-005, Apr. 1993, modified)

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #93-005, Apr. 1993, modified)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #93-005, Apr. 1993, modified)

13-214. Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the unsafe building code. Violation hereof, upon conviction, shall be deemed a municipal misdemeanor subject to fine of not more than fifty dollars (\$50.00) or up to the maximum amount which the Legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. (Ord. #93-005, Apr. 1993)

CHAPTER 3

JUNKYARDS

SECTION

13-301. Junkyards.

13-301. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1984 Code, § 8-111)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 4

ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance.
- 13-403. Notice to remove.
- 13-404. Responsibility for removal.
- 13-405. Notice procedure.
- 13-406. Content of notice and citation.
- 13-407. Request for hearing.
- 13-408. Procedure for hearing.
- 13-409. Removal of motor vehicle from property.
- 13-410. Notice of removal.
- 13-411. Disposition of vehicles.
- 13-412. Storage of vehicles.
- 13-413. Redemption of impounded vehicle.
- 13-414. Penalty.

13-401. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the Town of Kingston Springs, Tennessee and those administrative and governmental officials duly appointed and serving under the direction of city manager.

(2) "City manager" is the city manager of the Town of Kingston Springs, Tennessee or his or her duly authorized designee.

(3) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, riding lawn mowers, go-carts, golf carts, campers and trailers.

(4) "Junked motor vehicle" is any motor vehicle, as defined by § 13-401(3), which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and as such is deemed to constitute a public nuisance affecting the health and safety of the community as a whole.

(5) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(6) "Private property" shall mean any real property within the city which is privately owned and which is not public property as defined in the section.

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property, facility, or right-of-way.

(8) Failure to have lawfully affixed thereto an unexpired license plate as required in the State of Tennessee, together with an unexpired county tax registration attached thereto, shall constitute a rebuttable presumption of a junked motor vehicle and be determined by the city judge in event of a hearing. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance. No person shall park, store, leave, or permit the parking storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition, whether attended or not, upon any public or private property within the city for a period of time in excess of forty-eight (48) hours. After the expiration of forty-eight (48) hours, the presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or public partially dismantled vehicle, or parts thereof, whether attended or not, on public property is not subject to any further notice provisions as set out in this chapter and is subject to the immediate removal from the public property, as such constitutes a public nuisance affecting the health and safety of the community as a whole. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle fully and properly enclosed within a building on private property or to any vehicle held in connection with a business enterprise lawfully holding a business license, and being properly operated in an appropriate commercial district, pursuant to the zoning laws of the city. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-403. Notice to remove. Whenever it comes to the attention of the city manager, upon complaint made to the city or upon the carrying out of the function of the office of city manager or departments of government thereunder, that any violation, as defined in § 13-402, exists in the City of Kingston Springs, Tennessee, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the owner of the property or his agent, if known, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter.

(Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-404. Responsibility for removal. Upon proper notice, the owner of the junked motor vehicle(s) and the owner(s) or occupant(s) of the private property on which the same is located, shall be responsible for its removal. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-405. Notice procedure. The city manager shall give notice to the owner(s) or occupant(s) of the private property where the junked vehicle in violation is located demanding compliance with this chapter within thirty (30) days from the date of notice. It shall constitute sufficient notice when a copy of same is sent by certified mail to the owner(s) or occupant(s) of the private property at his or her last known address, return receipt requested. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-406. Content of notice and citation. The notice shall contain the alleged violation and demand for removal and/or abatement of the violation hereof within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall issue a citation requiring the owner or occupant to appear in municipal court, on a date certain, not less than fifteen (15) days from the date of issuance of the citation. The citation shall be served upon the owner(s) of the property, or upon the person(s) apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them in municipal court. If the offender refuses to sign the citation and notice to appear, the city, or its designee shall request a police officer to witness the violation and attempt to serve the citation upon the offender. If the offender still refuses to sign the citation, the police officer may arrest the offender for failure to sign the citation in lieu of arrest. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-407. Request for hearing. The person or persons to whom the notices are directed, or their duly authorized agents, may file a written request with the city judge of the City of Kingston Springs or its designee within the thirty (30) day period of requested compliance prescribed in § 13-405, for the purpose of defending the notice of alleged violation by the city. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-408. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request pursuant to § 13-407 or a citation

issued pursuant to § 13-406 and the person(s) to whom the notice(s) or citation are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing, the city and the person(s) to whom the notice(s) have been directed may introduce such witnesses and evidence as either party deems necessary. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-409. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within the thirty (30) day period of compliance and a citation has been issued, or in the event that a notice requesting a hearing is timely filed, a hearing is had and if the existence of the violation is affirmed by the judge of the City of Kingston Springs from its designee, the city manager or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises if ordered by the municipal court pursuant to Tennessee Code Annotated, § 55-5-122. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter and in no manner shall be deemed to be a trespass or unauthorized entry upon land. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #1-002, March 2013)

13-410. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle from private or public property, the city manager shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the property from which the vehicle was removed, that said vehicle, or vehicles, have been impounded and stored for violation of this chapter. This notice shall give the location of where the vehicle, or vehicles, is stored and the costs incurred by the city for removal, including court costs for hearing, if any. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-411. Disposition of vehicles. Upon removing a vehicle, the city manager shall sell the abandoned motor vehicle at a public auction not earlier than ten (10) days after its removal. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear from the city manager and, upon presentation of such sales receipt, shall be entitled to receive a certificate of title from the Department of Revenue for the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle and all notice and publication costs, together with any other costs associated with the process. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or any entitled lienholder for a period of sixty (60) days and, if not claimed, shall be deposited in the general fund of the city.

Should the sale of any vehicle for any reason be invalid, the city's liability shall be limited to the return of the purchase price. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-412. Storage of vehicles. The city, through its agents, employees and servants, may utilize municipal property for the storage of impounded vehicles, and in such event shall be entitled to storage costs not to exceed ten dollars (\$10.00) per day for enforcement as set forth herein. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-413. Redemption of impounded vehicle. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the City of Kingston Springs of any and all expenses incurred by the City of Kingston Springs in connection with the enforcement of this chapter as determined by the city manager or his designee, as set forth herein. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

13-414. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than fifty dollars (\$50.00), or up to the maximum amount which the Legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. Each act in violation of any of the provisions hereof shall be deemed a separate offense and each day such violation continues shall constitute a separate offense. Failure to pay any unpaid costs incidental to the enforcement of this chapter shall be filed as a lien in the office of the Register of Deeds in Cheatham County, Tennessee. (Ord. #89-001, Apr. 1989, amended by Ord. #93-002, Mar. 1993, and replaced by Ord. #13-002, March 2013)

CHAPTER 5

TEMPORARY RESIDENTIAL STORAGE UNIT REGULATIONS

SECTION

- 13-501. Definitions.
- 13-502. Permit required.
- 13-503. Duration of permit.
- 13-504. Location.
- 13-505. Number of units.
- 13-506. Permanent storage and prohibited uses.
- 13-507. Condition.
- 13-508. Violation and penalties.

13-501. Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in plural include the singular number and words in singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Temporary residential storage unit." A temporary residential storage unit is a transportable container without wheels and axles designed to be utilized as a temporary structure for the storage of residential personal property upon the real property in a residential zone district, temporary in nature, and as a container, storage unit, shed-like container or other portable structure sometimes known as portable on demand storage structures (PODS) and mobile attics, which are fully enclosed other than an accessory building or shed complying with all building codes and land use requirements within a residential zone district under the municipality's zoning ordinance. Also referred to as unit or units herein.

(2) "Construction trailer storage unit." A construction trailer storage unit is a mobile container, including temporary residential storage units, defined herein, used at a construction site in conjunction with a valid building permit where a residential zone district lot is being improved and is utilized for the storage during the pendency of and term of a building permit issued by the municipality. (as added by Ord. #07-002, July 2007)

13-502. Permit required. An applicant seeking to utilize a unit upon their residential property under this chapter shall first obtain from the building official for the town a permit and shall complete an application prior to the placement of any temporary residential storage unit. The application shall contain the name of the applicant to whom the temporary residential storage unit is supplied, whether the person owns, rents, occupies or controls the property, the address where the unit will be placed, active building permit

number, if applicable, and a sketch depicting the location and placement of the unit. (as added by Ord. #07-002, July 2007)

13-503. Duration of permit. A temporary storage unit permit shall be valid for a period of ninety (90) days from and after the date of issuance from the building official for the Town of Kingston Springs. A temporary residential storage unit or construction trailer storage unit may be utilized for purposes of renovation of a residential dwelling and can exceed the aforesaid ninety (90) day duration period when issued in conjunction with a valid building permit, but shall be removed within ten (10) days after use and occupancy permit issuance. (as added by Ord. #07-002, July 2007)

13-504. Location. All units, as defined in this chapter are prohibited from being placed in a public right-of-way or upon streets and must be kept in the driveway of the property at the furthest accessible point from the street and shall be shown upon the application for a permit. (as added by Ord. #07-002, July 2007)

13-505. Number of units. Only one (1) unit shall be placed on any residential property at one time and are expressly limited to one (1) permit per calendar year. (as added by Ord. #07-002, July 2007)

13-506. Permanent storage and prohibited uses. All units shall not be used for permanent storage. Permanent storage use upon the expiration of a permit is prohibited. No unit shall be used to be store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, personally for retail sale(s) or any illegal or hazardous material. (as added by Ord. #07-002, July 2007)

13-507. Condition. The applicant, as well as the supplier, shall be responsible for assuring that the unit is in good condition, without evidence of deterioration, weathering, discoloration, graffiti, rust and free from ripping, tearing, holes or breaks, at all times. (as added by Ord. #07-002, July 2007)

13-508. Violation and penalties. Any person who shall place a unit in violation of this chapter shall upon violation be subject to a fine of not more than fifty dollars (\$50.00) and each separate day shall constitute a separate offense and shall be subject to issuance of a citation for violation hereof. (as added by Ord. #07-002, July 2007)

TITLE 14

ZONING AND LAND USE CONTROL¹

CHAPTER

1. MUNICIPAL-REGIONAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. STORMWATER MANAGEMENT ORDINANCE.
5. GRADING, SOIL EROSION, AND SEDIMENTATION CONTROL REGULATIONS.
6. SIGN ORDINANCE.

CHAPTER 1

MUNICIPAL-REGIONAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101, there is hereby created a regional planning region commission, hereinafter referred to as the municipal regional planning commission. The approved planning region encompasses the incorporated municipality limits and its urban growth area by virtue of Public Chapter 1101, Urban Growth Plan. The municipal regional planning commission shall consist of nine (9) members. One (1) of the members shall be mayor of the town and one (1) of the members shall be a member of the board of commissioners as selected by that legislative body. The other seven (7) members shall be appointed by the mayor. All members of such municipal regional planning commission shall serve as such without compensation. The terms of the appointed seven (7) members shall be for terms of three (3) years each, so arranged whereby the term of at least one (1) member will expire each year. Any vacancy in an appointed membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointed member at the mayor's pleasure. In making appointments, the mayor shall strive to ensure the racial composition of the municipal regional planning commission is at least proportionally reflective of the municipality's racial minority population. (1984 Code, § 11-101, as replaced by Ord. #96-006, July 1996, Ord. #01-002, March 2001, and Ord. #08-002, June 2008)

¹Municipal code reference

Engineering review and inspections: title 20, chapter 3.

14-102. Organization, powers, duties, etc. The municipal-regional planning commission shall be organized and carry out its powers, functions and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1984 Code, § 11-102, as replaced by Ord. #01-002, March 2001)

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 Kingston Springs shall be governed by Ordinance Number 84-005, titled "Zoning Ordinance, Kingston Springs, Tennessee," and any amendments thereto.¹

¹Ordinance No. 84-005, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-301. Statutory authorization, findings of fact, purpose and objectives.

14-302. Definitions.

14-303. General provisions.

14-304. Administration.

14-305. Provisions for flood hazard reduction.

14-306. Variance procedures.

14-301. Statutory authorization, findings of fact, purpose and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-19-101, et seq., as amended, delegated the responsibility to units of local government to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Town of Kingston Springs, Tennessee, Board of Commissioners, the legislative body, do ordain as follows.

(2) Findings of fact. (a) The Town of Kingston Springs, Tennessee, Board of Commissioners as its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the Town of Kingston Springs, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to complement the town's land use and transportation policy plan, stormwater management ordinance, municipal zoning ordinance, as well as the community's municipal subdivision regulations in order to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

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

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

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

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

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health, safety and property;

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

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

(d) To minimize prolonged business interruptions;

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

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

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (1984 Code, Appendix A, as replaced by Ord. #10-006, Sept. 2010, and Ord. #11-001, July 2011)

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

(1) "Accessory structure" (building) means a subordinate structure in area, extent and purpose to the principal structure on the same lot and makes a practical and necessary contribution to said principal structure or use, and includes: garages, construction office trailers and real estate sales office, small storage sheds for lawn maintenance and pool houses for the purpose of this chapter, shall conform to the following:

(a) Accessory structures or buildings shall not be located within any special flood hazard area;

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building" see "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials. A development permit as stipulated in § 14-304 of this chapter shall be prepared when any of these manmade changes are proposed in any floodplain or floodprone area as defined herein, excepting floodways.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building

during a base flood event. For the purpose of this chapter, elevated building structures shall not be construed to include residential buildings or structures.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Enclosures" means fully enclosed areas formed by foundations and other exterior walls, situated below the regulatory lowest floor elevation (below the regulatory base flood elevation) that are subject to flooding.

(14) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(15) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(16) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision or mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(18) "Existing structures" see "existing construction."

(19) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes or mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

(a) The overflow of inland or tidal waters;

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

(21) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(22) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface

elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(23) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(24) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(25) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(26) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(27) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(28) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(29) "Flood-proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents. For the purposes of this chapter, flood-proofing does not apply to residential buildings and structures.

(30) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(31) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage. (Also see stormwater management ordinance).¹

(32) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing

flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations. (Also see stormwater management ordinance).¹

(34) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(35) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. Minimum freeboard as applies to the construction or reconstruction of earthen dams or levees shall be a minimum of two feet (2') above the minimum regulatory level.

(35) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

(37) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Kingston Springs, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

¹Municipal code reference

Stormwater management: title 14, chapter 4.

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(38) "Infrastructure" facilities and services needed to sustain residential, commercial, institutional and industrial land uses to include, but not limited to roads and streets; sidewalks; water and sewer lines; water storage tanks; drainage facilities and conveyances; erosion control structures to include retention and detention ponds; fire hydrants; street lights; street signs and directional signs; communication, electric, natural gas and telephone lines; cellular phone towers and appurtenances; control monuments; satellite dishes; water and sewage treatment facilities; parking lots; pumping stations; liquid storage tanks¹ such as natural gas, propane, and heating oil tanks. Not included within this definition are public, semi-public and private community facilities such as educational buildings, electric substations, fire and police stations, libraries and recreational, governmental and administrative buildings.

(39) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(40) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(41) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not utilized as habitable, residential space, nor built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(42) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" includes the term mobile home, but does not include a "recreational vehicle."

(43) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots

¹Please note that public, semi-public and private above ground gasoline, natural gas, or fuel oil storage tanks pose grave health, safety, and welfare dangers during significant flood events, and shall not be sited or located within special flood hazard areas.

for rent or sale. As utilized herein, this is inclusive of mobile home parks or subdivisions.

(44) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(45) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

(47) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(48) "New manufactured home park or subdivision" means a manufactured home park or subdivision or mobile home park or subdivisions for which the construction of facilities for servicing the lots on which the manufactured homes or mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(49) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(50) "100-year flood" see "base flood."

(51) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(52) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(53) "Recreational vehicle" means a motor home or other vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(54) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(55) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(56) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(57) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(58) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(59) "State coordinating agency" means the Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(60) "Structure" for purposes of this chapter, means a walled and roofed building, including any type of oil, gas or liquid storage tank, that is principally above ground, as well as a manufactured home or mobile home.

(61) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged

condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(62) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

- (a) The appraised value of the structure prior to the start of the initial improvement; or
- (b) In the case of substantial damage, the value of the structure prior to the damage occurring.

For the purposes of this chapter substantial improvement is considered to occur when the alteration of any wall, ceiling, floor or other structural part of the building or structure commences, whether or not the alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or
- (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(63) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(64) "Variance" is a grant of relief from the requirements of this chapter that does not negatively impact the public safety, health and welfare of the citizens or property within Kingston Springs.

(65) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without a development permit, the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(66) "Watercourse" see "riverine."

(67) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various

magnitudes and frequencies in the floodplains of riverine areas. (1984 Code, Appendix A, as replaced by Ord. #10-006, Sept. 2010, and Ord. #11-001, July 2011)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of the Town of Kingston Springs, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Kingston Springs, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), community panel number(s) 47021CO285D, 47021CO305D and 47021CO315D, dated September 17, 2010, to include the Harpeth River, Turnbull Creek, sinkholes and other low places identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation and/or the Board of Commissioners of the Town of Kingston Springs, Tennessee, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter. Riverines, small streams, and water courses as defined herein are also considered to be areas of special flood hazard.

(3) Requirement for development permit. A development permit and building and zoning compliance permit shall be required in conformity with this chapter prior to the commencement of any development activities. (See definition of "development.")

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

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

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

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

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

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

damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefor, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Kingston Springs, Tennessee from taking such other lawful actions to prevent or remedy any violation. (1984 Code, Appendix, art. 2, §§ A – H, as replaced by Ord. #10-006, Sept. 2010, and Ord. #11-001, July 2011)

14-304. Administration. (1) Designation of ordinance administrator. The city manager or designee of the city manager is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The required development permit shall not be construed to be mutually exclusive of any other required permit(s), i.e., building-zoning compliance permit, NPDES permit, ARAP permit, UIC permit, stormwater management permit. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. A development permit is required for development proposed within special flood hazard areas as defined herein. A development permit shall be required for development proposed within fifty feet (50') of the top of the bank (measured horizontally) along all riverines, small streams, and water courses (see definition of "riverine"). Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter;

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter;

(iii) A FEMA flood-proofing certificate from a Tennessee registered professional engineer or architect that the proposed

non-residential flood-proofed building will meet the floodproofing criteria in § 14-305(1) and (2);

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

(b) Construction stage. Within AE zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by a Tennessee registered land surveyor and certified by same. The administrator and/or the city building official shall record the elevation of the lowest floor on the development permit. When flood-proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When flood-proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or flood-proofing level upon the completion of the lowest floor or flood-proofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

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

(a) Review all development permits in conjunction with the town's building official and city engineer to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding;

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334;

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance

Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process;

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained;

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-304(2);

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been flood-proofed, in accordance with § 14-304(2);

(h) When flood-proofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-304(2);

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Kingston Springs, Tennessee FIRM meet the requirements of this chapter;

(k) Maintain all records pertaining to the provisions of this chapter in the office of the building official and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (1984 Code, Appendix, art. 3, §§ A – D, as replaced by Ord. #10-006, Sept. 2010, and Ord. #11-001, July 2011)

14-305. Provisions for flood hazard reduction. (1) General standards. In all designated areas of special flood hazard, the following provisions are required:

(a) The reconstruction of existing residential and non-residential buildings including accessory structures, manufactured

and mobile homes on individual zone lots and in parks, (excluding above ground gas, oil, or other type of liquid storage tank that is regulated as infrastructure within this chapter) shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) When approved by the board of floodplain review, existing manufactured homes or mobile homes may be re-established contingent upon using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) Any approved replacement shall be constructed or facilitated with materials and utility equipment resistant to flood damage, utilizing methods and practices that minimize flood damage;

(d) All electrical, heating, ventilation, with the exception of hydrostatic flow through vents as regulated in § 14-305(3), plumbing, air conditioning equipment, and other service facilities shall be elevated and designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(g) New on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and septic tanks shall not be situated within any special flood hazard area. Properly installed field lines may be located in the SFHA.

(h) Any substantial improvement to a building or structure that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

(i) Any alteration, repair, reconstruction or improvements to a building or structure that is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not further extended or replaced;

(j) All re-construction and substantial improvement proposals shall provide copies of all necessary federal, state and locally required permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(k) The reconstruction of any existing subdivision is contingent upon the granting of a variance from the board of flood review, and shall

meet the standards of § 14-305(2); in addition, but not limited to standards enumerated within the municipal subdivision regulations, zoning ordinance, and stormwater management ordinance;

(l) New construction and substantial improvements of infrastructure shall be anchored to prevent flotation, collapse and lateral movement (see definition of "infrastructure");

(m) No new residential structure or building or substantial improvement to existing building structures shall be allowed within any special flood hazard area;

(n) No new non-residential or residential accessory building or structure shall be located within any special flood hazard area;

(o) Above ground liquid storage tanks to include, but not limited to, propane heating oil, gasoline and natural gas shall not be located within special flood hazard areas.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-305(1), are required:

(a) Residential structures. In AE zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home or mobile home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures." No new residential buildings or structures may be constructed or expanded within any AE zone (one percent (1%) chance flood area) or within any approximate A zone.

Within approximate A zones where base flood elevations have not been established and where alternative data is not available, non-conforming residential structures under the terms of this chapter being rehabilitated or re-constructed following a natural disaster (with no external expansion) may be done only by way of the granting of a variance thereof from the board of flood plain appeals (board of zoning appeals). The lowest floor elevation of any such reconstruction shall be at least three feet (3') above the highest adjacent grade, as defined in § 14-302. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: " Existing enclosures."

(b) Non-residential structures. In the zone, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation.

Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Existing enclosures." No non-residential structures or buildings may be constructed or expanded within any AE zone (one percent (1%) chance of flood area) or within any approximate A zone.

In approximate A zones, where base flood elevations have not been established and where alternative data is not available, the reconstruction of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood-proofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Existing enclosures." All such reconstructions shall be in accordance with the provisions of Tennessee Code Annotated, § 13-7-208.

The reconstruction of non-residential buildings located in all A zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Existing enclosures. All reconstruction or replacement shall conform to the standards enumerated in § 14-305(2)(a) and (b), that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding are strictly subject to the granting of a variance thereof by the board of floodplain review and shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) hydrostatic vents or openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all hydrostatic vents or openings shall be no higher than one foot (1') above the finished grade;

(C) Hydrostatic vents or openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

(D) Hydrostatic vents or openings shall be in conformance with the specifications thereof cited within title 44 of the Code of Federal Regulations (CFR).

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished, converted or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-305(2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes, to include mobile homes "in place" on:

(A) Individual lots or parcels; or

(B) In existing manufactured home parks or subdivisions inclusive of mobile home parks and subdivisions, shall not be expanded.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be approved by the board of floodplain review (be granted a variance) and be elevated so that either:

(A) In AE zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-302).

(iii) Any manufactured home or mobile home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-305(1) and (2).

(iv) All manufactured home or mobile home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) No reconstruction of existing manufactured or mobile homes on "fee-simple" lots or in parks shall be allowed without variance approval from the board of floodplain review.

(vi) Recreational vehicles in special flood hazard zones shall:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) No recreational vehicle or motor home shall be located within any AE zone or A zone, or riverine, as defined in this chapter, as a permanent structure.

(e) Standards for subdivisions and other proposed new development proposals. No new residential subdivisions or non-residential subdivisions shall be allowed to be located or constructed in any special flood hazard zone, as depicted on the official Flood Insurance Rate Maps (FIRM), except for permitted infrastructure.

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-303(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway.

(b) The reconstruction of non-conforming existing buildings and structures, where permitted through variances by the board of floodplain review, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(4) Standards for areas of special flood hazard zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No new construction of residential or non-residential structures or buildings shall be allowed in any AE zone. No non-structural encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles to include watershed characteristics, probable runoff, and other topographical and hydraulic data, as is required by the administrator and town engineer. Such information shall be prepared by a professional, registered engineer;

(b) Any reconstruction of buildings and structures, where permitted by the board of floodplain review, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A zones). Located within the special flood hazard areas established in § 14-303(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) No new construction of residential or non-residential structures or buildings shall be allowed in any approximate A zones;

(b) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations as criteria for regulating development in approximate A zones meeting the requirements of § 14-305(1) and (2);

(c) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions or mobile home parks and subdivisions) include within such proposals base flood elevation data.

(d) Any approved reconstruction or substantial improvement to occur within approximate A zones, where base flood elevations have not

been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or flood-proofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in § 14-304(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-305(2).

(e) Within approximate A zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the Town of Kingston Springs, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(f) The re-construction and substantial improvements of existing buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2). Within approximate A zones, require that those subsections of § 14-305(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH zones). Located within the special flood hazard areas established in § 14-303(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-305(1) and (2), apply:

(a) There shall be no new construction of residential and non-residential buildings, as well as accessory buildings within any AO and AH zone.

(b) The re-construction and substantial improvements of existing residential and non-residential building shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to

facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-305(2).

(c) Any re-construction and substantial improvements of existing non-residential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood-proofed and designed watertight to be completely flood-proofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be flood-proofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-304(2).

(d) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A99 zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A99 zones) all provisions of §§ 14-304 and 14-305 shall apply.

(8) Standards for unmapped streams (riverines, watercourses and small streams). Located within the Town of Kingston Springs, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including residential and non-residential buildings and accessory buildings, fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-304 and 14-305. (1984 Code, Appendix, art. §§ A – H, as replaced by Ord. #10-006, Sept. 2010, and Ord. #11-001, July 2011)

14-306. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. For the purpose of this chapter, the board of zoning appeals shall serve as the board of floodplain review.

The board of floodplain review is hereby established which shall consist of five (5) appointed members. The term of membership shall be three (3) years. Vacancies shall be filled for any unexpired term by the city commission.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times, as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) Appeals: how taken. Procedures of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars (\$100.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than twenty (20) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official (i.e., building official or town engineer) in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Kingston Springs, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors and all standards specified in other sections of this chapter as well as pertinent standards and requirements cited in the municipal zoning ordinance, the municipal subdivision regulations and/or the municipal stormwater management ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan, local development policies and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the board of floodplain review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter. In so doing, the board of floodplain review shall consider input from the local flood administrator, the town engineer, building official, regional-municipal planning commission when appropriate.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Engineered "no rise" certificates and other required hydraulic data by the administrator shall be required to substantiate there is no increase of the base flood elevation.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-306(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #10-006, Sept. 2010, and replaced by Ord. #11-001, July 2011)

CHAPTER 4

STORMWATER MANAGEMENT ORDINANCE

SECTION

14-401. Stormwater management to be governed by stormwater management ordinance.

14-401. Stormwater management to be governed by stormwater management ordinance. Regulations governing stormwater management within the City of Kingston Springs shall be governed by Ord. #93-007, titled "Stormwater Management Regulations" and any amendments thereto.¹

¹Ord. #93-007, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 5

GRADING, SOIL EROSION, AND SEDIMENTATION
CONTROL REGULATIONS

SECTION

- 14-501. Title.
- 14-502. Purpose.
- 14-503. Rules applying to text.
- 14-504. Definitions.
- 14-505. Application procedure.
- 14-506. Objectives and criteria for erosion and/or sediment control planning.
- 14-507. Inspection and enforcement.
- 14-508. Penalties.
- 14-509. Performance bonds.
- 14-510. Severance provisions.

14-501. Title. This chapter will be known as the Kingston Springs Grading, Soil Erosion and Sedimentation Control Regulations Ordinance. (as added by Ord. 99-006, § 3, Aug. 1999)

14-502. Purpose. (1) Kingston Springs has in the past experienced development causing the displacement of large quantities of earth. Significant problems resulting from such development are erosion and sedimentation. The erosion is a dangerous activity in that it is the cause of contamination of water supplies and water resources. A buildup of sediment clogs water-courses, storm sewers, road ditches, and sinkholes or natural drainageways, resulting in reduced drainage capacities and causing flooding which produces substantial damage to public and private lands. In addition, sediment is unsightly, expensive to remove, and limits the use or disposition of water for most beneficial purposes. The result is a serious threat to the health, safety, and general welfare of the community.

(2) The general purpose of these regulations is to substantially reduce existing and future erosion and sedimentation damage in Kingston Springs and is designed to safeguard the health, safety and welfare of the citizens; to establish reasonable and flexible criteria for development to minimize potential erosion and sedimentation damage; to minimize the pollution by sediment of streams, ponds, and other watercourses; to minimize the danger of flood damage; and to preserve the natural beauty and esthetics of the community. (as added by Ord. 99-006, § 4, Aug. 1999)

14-503. Rules applying to text. For the purpose of these regulations certain rules of construction apply herein as follows:

(1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

(2) The term "shall" is always mandatory and not discretionary, the word "may" is permissive.

(3) Except as specifically defined herein, all words used in this regulations have their common dictionary definitions. (as added by Ord. 99-006, § 5, Aug. 1999)

14-504. Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations, unless otherwise specifically stated:

(1) "Accelerated erosion." Any increase over the rate of natural erosion as a result of land-distributing activities.

(2) "Buffer zone." The strip of land adjacent to a lake or natural watercourse, the width of which is measured from the water to the nearest edge of the disturbed area. This buffer zone shall be at a minimum of twenty five feet (25 ft.) wide and shall contain undisturbed natural vegetation which will confine, trap or deposit sediment or visible siltation. The width or nature of the buffer zone shall be based on its ability to trap and hold silt.

(3) "Certification." A signed, written statement by the city engineer or his designated representative, that specific work or construction, inspections or tests which were required have been performed and that such comply with the applicable requirements of these regulations.

(4) "City engineer." A professional engineer employed or retained by the Town of Kingston Springs.

(5) "Cut." Portion of land surface or area from which earth has been removed or will be removed by excavation. The depth below original ground surface to excavated surface.

(6) "Debris basin." An impoundment area created by a barrier or dam built across a waterway, watercourse or at other suitable locations to retain rock, sand, gravel, silt, or other erodible material.

(7) "Developer." Any individual, firm, corporation, association, partnership, or other entity involved in commencing proceedings under this ordinance to effect development of land for himself or another.

(8) "Diversion swale (ditch)." An excavated drainageway used above or below disturbed areas to intercept runoff and divert it to a desirable outlet across or at the bottom of a slope.

(9) "Embankment." A man-made or natural structure of soil, rock, or other erodible materials.

(10) "Erosion." The wearing or washing away of land surface by the action of wind, water, ice, or gravity.

(11) "Excavation." See cut.

(12) "Existing grade." The elevation of the existing ground surface prior to cutting or filling.

(13) "Fill." See embankment.

(14) "Finished grade." The final grade or elevation of the ground surface conforming to the proposed design.

(15) "Grading." Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing, stockpiling, or where any ground cover, natural or manmade, is removed, or any building or other structures are removed, or any water course or body of water, either natural or manmade, is relocated on any site, thereby creating an unprotected area. "Grading" shall be interchangeable with "land-disturbing activity."

(16) "Grading permit." A permit issued to authorize excavation and/or fill to be performed under these regulations.

(17) "Grassed waterway." A natural or constructed waterway, usually broad and shallow, established with approved erosion-resistant vegetation which conducts surface water from a field, diversion or other site feature.

(18) "Lake." Any water body, normally manmade by excavation or impoundment, fed by or along a perennial stream.

(19) "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

(20) "Natural ground surface." The ground surface is in its original state before any grading, excavating or filling.

(21) "Off-site area." As used in this chapter, off-site area shall refer to that area outside the site area that is or may be adversely affected by sedimentation and siltation because of construction or work activity which is being or has been conducted on the site. The off-site area may be adjacent property or property some distance away.

(22) "Perennial stream." Any watercourse, regardless of size, which has flow of sufficient quantity and duration to support aquatic life. Reference to "stream" in this chapter is to be construed as reference to a perennial stream.

(23) "Permittee." Any person, firm, or entity to whom a permit is issued in accordance with these regulations.

(24) "Pond." Any water body, normally man made by excavation or impoundment, along a wet-weather conveyance.

(25) "Professional engineer." An engineer duly registered or otherwise authorized by the State of Tennessee to practice in the field of engineering.

(26) "Regulated grading." Any grading performed with the approval of and in accordance with criteria established by the Kingston Springs Grading Code.

(27) "Sediment." Solid material, both mineral and organic that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

(28) "Sediment barrier." Any artificial, temporary low dike built to prevent sediment from entering a water course and consisting of straw bales, silt fence (fabric), earthen berm, or similar approved material.

- (29) "Sediment basin." See debris basin.
- (30) "Sediment pool." The reservoir space allotted to the accumulation of trapped sediment during the life of the structure.
- (31) "Slope." Degree of ground surface inclination from the horizontal; usually expressed in percent or ratio.
- (32) "Soil." All unconsolidated material and organic material or whatever origin that overlies bedrock which can be readily excavated.
- (33) "Soil engineer." A professional engineer who is qualified by education and experience to practice applied soil mechanics and foundation engineering.
- (34) "Site." Any tract, lot or parcel of land or combination of tracts, lots of parcels of land which is or are in one ownership or are contiguous and in diverse ownership where grading, construction or development is to be performed or where such grading, construction or development is to be performed as part of a unit, subdivision or project.
- (35) "Stripping." Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations in preparation for development without the alteration of the prevailing topography.
- (36) "Structural rock fills." Fills constructed predominantly of rock materials for the purpose of supporting structures.
- (37) "Temporary protection." Stabilization of erosive or sediment producing areas using methods such as planting grass or wood chip or similar material mulching.
- (38) "Town." The Town of Kingston Springs, Tennessee or City of Kingston Springs or town or city herein.
- (39) "Universal soil loss equation." A method developed by the Agricultural Research Service, USDA, and used to estimate soil erosion based on rainfall, soil erodibility, slope of the land, length of slope, area size, and cover characteristics.
- (40) "Vegetative protection." Stabilization of erosive or sediment producing areas by covering the soil with:
- (a) Permanent seeding which produces long-term vegetative cover, or
 - (b) Short-term seeding which produces temporary vegetative cover, or
 - (c) Sodding which produces areas covered with a turf or perennial sod-forming grass, or
 - (d) Tree planting.
- (41) "Watercourse." Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed or banks, and shall include any area adjacent thereto subject to inundation by

reason of overflow of surface water. Wet weather conveyances and perennial streams are watercourses.

(42) "Wet weather conveyance." A watercourse, regardless of size, which exhibits water flow in response to precipitation. A wet weather conveyance normally does not have flow in sufficient quantity or duration to support aquatic life.

(43) "County health department." The Cheatham County Health Department.

(44) "Planning commission." The Kingston Springs Planning Commission.

(45) "Board of city commissioners." The Kingston Springs Board of Commissioners.

(46) "Government agency." Any department, commission, independent agency, or instrumentality of the United States and of the State of Tennessee, and any county, city, authority, district, or other general unit.

(47) "Professional architect." An architect duly registered or otherwise authorized by the State of Tennessee to practice in the field of architecture, including licensed landscape architects. (as added by Ord. 99-006, § 6, Aug. 1999)

14-505. Application procedure. The developer should consult the general development plans and detailed plans of any unit of government that affect the tract to be developed and the area surrounding it before development. He shall also become acquainted with the zoning ordinance, subdivision regulations, this chapter and other ordinances which regulate the development of land in the Town of Kingston Springs.

(1) Erosion and sediment control plan. No building permit, site plan, preliminary or final subdivision plat shall be issued or approved for a site or development, as defined herein, unless an erosion and sediment control plan for said site, prepared in accordance with the criteria described in Tennessee Erosion & Sediment Control Handbook, Tennessee Department of Health and Environment, November 1990, or as same may be amended, or other engineering procedures or methods adopted by the town, has been prepared and certified by a professional engineer or professional architect and submitted to and approved by the city engineer. The submission to said city engineer shall include an outline of design computations. Upon approval of said plan a grading permit, as hereinafter described, will be issued by the city engineer or his designee. It shall be the responsibility of the property owner to implement the erosion and sediment control plan. However, with residential subdivisions, the developer shall be responsible for implementation of the entire plan including drainage ways and erosion and sedimentation control measures that go through or across several lots in the subdivision with the homebuilder or contractor being responsible only for implementation of on lot erosion and sedimentation control measures.

In order to insure that the developer implements these measures, the planning commission shall require these measures to be made a part of the performance and maintenance bonds of the subdivision. The erosion and sediment control plan shall provide for erosion and sediment control measures or procedures in contemplation of grading or development of the entire site. If the development or grading substantially or adversely deviates from the erosion and sediment control plan, the planning commission may require:

- (a) Amendments to the plan;
- (b) Implementation of the original plan by the developer; or
- (c) Calling of the bond of the developer to implement the plan.

With single family home sites, the erosion and sediment control plan may be prepared and certified for submission by a qualified person approved by the city engineer or his designee other than a professional engineer or professional architect. Once an erosion and sediment control plan has been approved by the city engineers or his designee for a particular site area, construction and improvements by contractors and homebuilders may proceed within the site without any further preparation or submission of erosion and sediment control plans. However, such construction and improvements shall be done in such a manner as to minimize erosion and sedimentation and shall be in accordance with the approved erosion and sediment control plan and grading permit.

In commercial and industrial subdivisions, planned unit developments, or planned areas containing more than one proposed commercial or industrial enterprise the long term erosion and sediment control plan shall be prepared and certified by a professional engineer or professional architect and the developer of these sites shall post a bond with the planning commission to insure compliance with the plan during the development of the site. For individual commercial or industrial sites, the short term or temporary erosion and sediment control plan during the construction and/or grading period shall be prepared and certified by a professional engineer or professional architect, and the developer at these sites shall post a performance bond during development of the site. Where in the professional engineering opinion of the city engineer or his designee, proposed grading or land disturbance activity on a single commercial, industrial or residential lot will be so minimal or negligible as far as the effect on erosion, drainage or sedimentation. City engineer or his designee, upon written application and administrative hearing, may grant a variance and exception to the requirement of preparation, certification and submission of an erosion and sediment control plan.

Whenever an area is to be disturbed or a subdivision plat or site plan is submitted to the city building inspector, a copy of an erosion and sediment control plan shall be filed with the city building inspector, 10 days prior to beginning any land-disturbing activity or contemporaneous with the filing of the subdivision plat or site plan. A copy of the plans shall also be on file at the job site.

If after approval of the erosion and sediment plan, the city engineer or his designee determines, upon an inspection of the job site, that there is a failure of the plan to adequately address the erosion or sediment problems of the site due to a physical condition not disclosed on the plan or man-made condition that alters the effectiveness of the plan at the site and that this is causing a significant risk of off-site sedimentation or erosion then the city engineer or his designee shall cause the developer, contractor, or person responsible for the activity ongoing at the site to submit a revised erosion and sediment control plan to the town or prove to the city engineer or his designee that the original plan will alleviate the problem. Pending the preparation of the revised plan, the work shall be suspended.

An amendment to a plan may be made at any time under the same procedure as followed for the original plan.

(2) Plan data required. Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe adequately the proposed development of the site and the measures planned to meet the objectives and criteria of section 14-506 and the other requirements within section 14-505 erosion and sediment control plan content may vary to meet the needs of specific site conditions. The developer must submit the following information for the entire tract of land, whether or not the tract will be developed in stages:

- (a) Compliance with section 14-506 of these regulations.
- (b) A plan showing the property boundary.
- (c) Description of general soil conditions on the site available from the soil conservation district or acceptable soil scientist.
- (d) Location and description of existing physical features on the site of importance to soil erosion and sediment production.
- (e) Plans and specifications of soil erosion and sedimentation control measures for the entire site and individual building sites.
- (f) The engineering analysis for developing the erosion control and sediment control plan.
- (g) A timing schedule indicating the anticipated starting and completion dates of the development sequence and the estimated time of exposure of each disturbed area.

(3) Permits. A valid grading permit must be issued by the city engineer or his designee prior to the start of any activity which will cause an exposed or disturbed area on a site. The grading permit application must conform to and be based upon the erosion and sediment control plan for that particular parcel, lot, section, unit or site of the approved plan for that site. The erosion and sediment plan specifications and timing schedules as approved for the site shall be submitted with each application for grading permit. The city engineer shall review such plan and permit application within ten (10) working days and issue or deny the applicant's permit. If the city engineer or his

designee fails to either issue or deny said permit within the ten (10) working days, then said permit shall be deemed approved and the applicant shall be allowed to proceed with the work as outlined upon his/her application.

Where a site plan or final subdivision plat has been approved by the planning commission or the lot or parcel is a lot of record prior to the adaptation of this sediment and erosion control ordinance, the applicant for a grading permit shall submit to the building inspector of Kingston Springs a simple sketch drawing of the individual site showing the area where earth disturbing activities will take place and that sediment barriers shall be placed around the disturbed area during the construction upon the site.

(4) Exclusions. No grading permit or erosion and sediment control plan shall be required for:

(a) Nursery operations, such as the removal and/or transplanting of cultivated sod, shrubs and trees;

(b) Garden plots and/or lawn preparation or landscaping activities on existing lots or parcels (unless the possibility for erosion and sedimentation or alteration of drainage is such to necessitate a grading permit as determined by the city building inspector);

(c) Agricultural practices such as plowing or cultivation. Construction of agricultural access roads is not excluded;

(d) Sanitary landfills operated and conducted in accordance with the requirements, rules, and ordinances adopted by the Town of Kingston Springs and the State of Tennessee. (as added by Ord. 99-006, § 7, Aug. 1999)

14-506. Objectives and criteria for erosion and/or sediment control planning. Persons engaged in land disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities. The intent of these criteria is to provide the developer and the architect or engineer with a range of acceptable control measures for meeting the needs of each situation and for allowing opportunity for professional design judgment.

(1) Basic control objectives. The basic control objectives which are to be considered in developing and implementing an erosion and sedimentation control plan are to:

(a) Identify critical areas. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

(b) Limit time of exposure. All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.

(c) Limit exposed areas. All land-disturbing activities are to be planned and conducted to minimize the size of the area to be exposed at any one time.

(d) Control upgrade surface water. Surface water runoff originating upgrade of exposed areas should be controlled to reduce downgrade erosion and sediment loss during the period of exposure.

(e) Control sedimentation. All land-disturbing activities are to be planned and conducted so as to minimize both on-site and off-site sedimentation damage.

(f) Manage stormwater runoff. When the increase in the peak rates and velocity of stormwater runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the watercourse.

(2) Criteria for erosion and sediment control practices.

(a) Performance criteria. Erosion sedimentation control measures, structures, and devices shall be planned, designed, constructed, operated and maintained as to provide effective soil erosion control from the calculated peak runoff rates using a ten-year frequency storm, or where warranted by local controlling factors, and approved by the city engineer different storm frequency. Runoff rates shall be calculated using procedures in the USDA Soil Conservation Service National Engineering Handbook, Section 4, Hydrology (NEH-4), USDA Technical Paper No. 149. A Method for Estimating Volume and Rate of Runoff in Small Watersheds, USDA Technical Release No. 55, Urban Hydrology for Small Watersheds, or other generally accepted calculation or engineering procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the Kingston Springs area, criteria from the Department of Environment and Conservation, and other references. The foregoing publications shall also apply as same may be amended.

(b) Retention of existing natural vegetation. Existing natural vegetation on any site forms a high degree of erosion control during and after construction activities. Therefore it is the intent of this chapter than any grading plan formulated pursuant to this chapter retain existing natural vegetation to the maximum extent permitted by erosion control principles. At the least there shall be within a buffer zone a natural barrier of vegetation which shall be left adjacent to all perennial streams, rivers and water courses. This natural barrier of vegetation shall be at least 25 feet wide measured from the top of bank to the stream, river or water course and no cuts, fills or construction shall be allowed within this area.

(c) Operations in lakes or perennial streams. Land-disturbing activity in connection with construction in, on, over, or under a lake or perennial stream shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the lake or stream.

The relocation of a stream shall be avoided, but where relocation is the only feasible alternative or where relocation is proven to reduce a hazardous condition and if the relocation is to be planned and executed so as to minimize changes in the stream flow characteristics then relocation may be allowed. Aquatic Resource Alteration Permits (ARAP), issued by the State of Tennessee, may be required in addition to the permit(s) issued by the Town of Kingston Springs.

(d) Borrow and waste areas. When the person conducting the land-disturbing activity is also the person conducting the borrow or disposal activity, areas from which borrow is obtained and which are not regulated by state statutes and waste areas for surplus materials other than sanitary landfills regulated by the Town of Kingston Springs and the State of Tennessee shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity. Such separate borrow or waste areas may require separate permits.

(e) Access and haul roads. Temporary access and haul roads, and planned streets, accesses, drives or roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

(f) Requirements. Any land-disturbing activity subject to this chapter shall be undertaken in accordance with the following requirements:

(i) No land-disturbing activity shall be permitted in proximity to a lake or perennial stream unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation or sediment deposit. This buffer shall be no less than twenty five (25) feet wide and contain natural undisturbed vegetation. This subsection (i) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or perennial stream.

(ii) The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within ten (10) working days of completion of any phase of grading, be planted or otherwise provided with a ground cover, devices, or structures sufficient to restrain erosion.

(iii) Whenever land-disturbing activity is undertaken, a ground-cover sufficient to restrain erosion must be planted or otherwise provided within 30 working days on that portion of the

land upon which further active construction is not being undertaken, including the watershed and drainage basin of a functioning sediment control basin. This subsection (iii) shall not apply to cleared land forming the basin of a reservoir later to be inundated.

(iv) A sediment basin or basins properly located and of adequate size to control soil erosion shall be constructed and maintained in accordance with the criteria developed by the Tennessee Department of Environment and Conservation on all grading sites subject to this chapter except where the applicant can show in the grading plan that equal or better performance can result from other control techniques.

(A) No sediment basin or similar control shall be removed until all disturbed areas of the site in the watershed of the basin have been protected or permanently stabilized.

(B) All fill not located in the watershed of a sediment basin shall be protected by a sediment barrier left at the edge of the fill after each working day. The sediment barrier shall be of sufficient height so that no runoff water from the surface areas above will spill over the edge of the fill. Water retained by the barrier shall be diverted on a gentle grade to the nearest sediment basin or allowed to evaporate or percolate prior to the removal of the barriers. All cuts shall be protected from erosion effects of runoff from watersheds above them. The sediment barrier may consist of earthen material, straw bales, stakes and silt fence (fabric) or other such effective materials.

(g) Responsibility for maintenance. The person, firm or entity engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during development of the site and for a period of one (1) year thereafter. If during the one (1) year repairs or maintenance are required to said measures and facilities, then there shall be a further period of responsibility of one (1) year for maintenance or repairs following such repairs of maintenance during the one (1) year period. Thereafter, such responsibility shall lie with the landowner.

(h) Failure of protective practices. If the Kingston Springs City Engineer or his designee, determines that significant erosion or related problems are occurring on a graded site despite application and maintenance of the approved protective practices, he/she shall require the permit holder: to cease any land disturbing activities, to take immediate additional corrective actions to protect the disturbed area, and to prepare an amended erosion and sediment plan which will be presented at the

city commission meeting. The city commission shall then approve, disapprove, modify, or decide to allow the former plan to stand. The permit holder may not proceed except in accordance with the decision of the city commission as to work that may be undertaken that does not disturb soil, create additional erosion or sediment, or that is corrective in nature. In the event that the permit is no longer in effect and the surety, if any, has been released, or there is no responsibility under (g), above, the city engineer shall give written notice to the property owner stating the conditions that are not in conformance with this chapter and that such must be corrected. The property owner shall have thirty (30) calendar days after the date of issuance of notice to present a plan for corrective action to bring the property into conformance. Upon approval of the plan by the city engineer or his designee, a development permit shall be issued for a period not to exceed sixty (60) days. Failure of the property owner to present such a plan within thirty (30) calendar days after the date of issuance shall constitute a violation of this chapter.

(i) Existing uncovered areas. (A) All uncovered areas, existing on the effective date of this chapter,¹ which resulted from land-disturbing activities and are experiencing continued accelerated erosion, and are causing off-site damage from sedimentation shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

(B) The city commission shall serve upon the landowner, by certified mail, written notice to comply. The notice shall set forth the measures needed to comply. In determining the measures required, the commission shall take into consideration the technology and quantity of work required. Within thirty (30) days after such notice, the city commission shall hold a public hearing, during which the landowner shall be allowed to participate, to determine whether and to what extent corrective measures are necessary. Upon such a finding by the city commission, the landowner shall develop and submit a plan for such correction within thirty (30) days thereafter. Upon approval of the plan by the city engineer or his designee, the landowner shall have forty-five (45) days to implement the plan. Failure to submit a plan as required shall constitute a violation of this chapter.

¹These provisions were taken from Ord. 99-006 which passed second reading August 19, 1999.

(C) This section shall not require that ground cover be provided on cleared land forming the basin of a reservoir later to be inundated. (as added by Ord. 99-006, § 8, Aug. 1999)

14-507. Inspection and enforcement. The requirements of this chapter shall be enforced by the city building inspector with aid from the city engineer, who shall inspect all such work, grading or construction so involved. If the city building inspector finds any person, firm or entity engaged in land-disturbing activities who fails to file a plan in accordance with this chapter, or who conducts land-disturbing activity in violation of these regulations or any approved plan, he may refuse to approve further work or issue a stop order, pending a hearing before the city commission. (as added by Ord. 99-006, § 9, Aug. 1999)

14-508. Penalties. Any person who violates any provision of this chapter, or rule or order adopted or issued pursuant to this chapter, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provision of an approved plan, shall upon conviction thereof by a court of competent jurisdiction be subject to a fine of not more than five hundred dollars (\$500.00) together with the cost of the action. Every day of violation shall constitute a separate offense. Compliance therewith may also be enforced by injunctive process. (as added by Ord. 99-006, § 10, Aug. 1999)

14-509. Performance bonds. Where erosion and sediment control techniques are required by the standards of this chapter the city engineer shall require that sufficient security be posted with the city commission as will insure the construction and maintenance of such erosion and sediment control devices within the period set forth by the timing schedule of the plan. The security may be in the form of a performance and maintenance surety bond guaranteed by a bonding company licensed to do business in the State of Tennessee, a cash deposit to be held in escrow by the city commission, or a letter of credit. All such forms of security shall be in an amount not less than 100 percent of the estimated cost of the control devices required with said estimates to be determined by the city engineer. (as added by Ord. 99-006, § 11, Aug. 1999)

14-510. Severance provisions. All parts of this chapter shall be deemed severable. Should any section, paragraph, or provisions be declared invalid or unconstitutional by the courts, such holdings shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared. The Kingston Springs Board of Commissioners hereby declares that it would have enacted this chapter and each part thereof irrespective of the fact that any one

or more parts, sections, subsection, phrase, sentence or clauses be declared invalid. (as added by Ord. 99-006, § 12, Aug. 1999)

CHAPTER 6

SIGN ORDINANCE

SECTION

- 14-601. Purposes, scope.
- 14-602. Definitions.
- 14-603. General provisions.
- 14-604. Permitted signs in residential districts.
- 14-605. Permitted signs in commercial and industrial districts.
- 14-606. Temporary sign provisions.
- 14-607. Nonconforming and noncomplying signs provisions.
- 14-608. Administration.
- 14-609. Legal status provisions.

14-601. Purpose scope. (1) Legislative purpose. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (a) Protect the right to the use of signs for the identification of activities and any related products, services and events and for non-commercial messages;
- (b) Protect the right of individuals to privacy and freedom from nuisances;
- (c) Protect the value of property and improvements thereon;
- (d) Permit signs that are appropriate to their surroundings;
- (e) Assure that signs are constructed and maintained in a safe condition;
- (f) Encourage design that enhances the readability and effectiveness of signs;
- (g) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (h) Reduce traffic hazards;
- (i) Eliminate obsolete signs; and
- (j) Provide an efficient and effective means of administration and enforcement.

(2) Scope. Except for signs permitted in all districts in § 14-603(4) herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings including interior window signs and all exterior signs except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of this ordinance. (Ord. #98-011, as replaced by Ord. #05-012, Aug. 2005)

14-602. Definitions. For the purpose of this ordinance the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

(1) "Appeals board." The duly appointed board authorized by the city council to hear and act upon appeal of a decision of the enforcement officer or any request for a variance from any provision of this sign ordinance.

(2) "Area." The area or square footage enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cut-outs" or extensions, but shall not include any supporting structure or bracing.

(3) "Building face or wall." All window and wall area of a building in one place or elevation.

(4) "Candlepower." The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower.

(5) "City." When used herein shall mean the Town of Kingston Springs, Tennessee.

(6) "Commercial complex." A building or group of buildings located upon a lot used or designed to be used for two or more occupancies.

(7) "Copy." The wording or graphics on a sign surface.

(8) "Copy area." The smallest area within a contiguous single perimeter composed of one or more circles, triangles and/or rectangles that enclose the extreme limits of the actual copy of the sign.

(9) "Display surface area." The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color, or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

(10) "District." A zoning district as defined and established by the Kingston Springs Zoning Ordinance.

(11) "Enforcing officer." The chief enforcing officer or official appointed to enforce the terms of this ordinance.

(12) "Establishment." A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

(13) "Facade." The entire building wall, including the main street wall face, parapet, facis, windows, doors, canopy and roof on any complete elevation.

(14) "Face." The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

(15) "Footcandle." A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

(16) "Height (of sign)." The vertical distance measured from the surrounding grade to the highest point of a sign. (The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction exclusive of any filling, mounting and/or berming which occurs directly due to the construction of the sign.)

(17) "Item of information." The name of a business, service, product, or individual.

(18) "Lambert." The cgs unit of brightness of a perfectly diffusing surface that radiates or reflects light at a rate of one lumen per square centimeter.

(19) "Lot." A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance.

(20) "Major street or thoroughfare." Any street shown as such on the official major thoroughfare plan.

(21) "Major street or thoroughfare plan." A plan for future streets and street rights-of-way adopted by the Kingston Springs Planning Commission.

(22) "Noncomplying (sign)." Any sign which does not comply with one (1) or more standards or regulations in this ordinance.

(23) "Nonconforming (sign)." Any sign which is not permitted within the district in which it is located.

(24) "Occupancy or premises site." Any principal or accessory use of or activity occurring upon the subject premises (zone lot).

(25) "Right-of-way." The proposed right-of-way as indicated on the official major street or thoroughfare plan, or as set forth by plat or plan for existing streets not planned for widening. Also defined as the line where the

property meets the public street or public roadway provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

(26) "Sign." Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

(27) "Tent." A collapsible shelter of canvas or other material stretched and sustained by poles, usually made fast by ropes attached to pegs hammered into the ground.

(28) "Travelway." That portion of public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage.

(29) "Zone lot." A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance.

Types of signs

(1) "Abandoned." Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

(2) "Accessory." Any sign that directs attention to a person, activity, or commodity on the same zone lot.

(3) "Advertising (billboard)." A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign, provided the establishment offering the product is not associated with the brand or trade name of the product being advertising.

(4) "Animated." A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

(5) "Area." The area or square footage enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cut-outs" or extensions, but shall not include any supporting structure or bracing.

(6) "Back to back." A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically continuous.

(7) "Balloon." Any inflatable, non-stationary, animated type of advertising sign.

(8) "Banner." A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

(9) "Building mounted." Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

(10) "Business." A type of accessory sign that identifies or provides related information about commercial and manufacturing activity types.

(11) "Changeable copy." A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

(12) "Civic." A type of accessory sign that identifies or provides related information about community facility activity types. More specifically such signs shall include:

(a) A sign, permanently erected or permitted in the public right-of-way or private property by the Town of Kingston Springs, Cheatham County, State of Tennessee, or other governmental agency to denote the name of any thoroughfare; the route to any city, town, village, educational institution, public building, historical place, shrine or hospital; to direct and regulate traffic; and to denote any railroad crossing, bridge, or other transportation or transmission company for the direction of safety of the public.

(b) An on-premise temporary sign which contains information regarding the time and place for regular meetings of civic or religious groups.

(13) "Development." A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

(14) "Direct illumination." All illuminated signs not included in the definition of Sign, "Luminous Background" or Sign, "Indirect Illumination."

(15) "Directional." Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size nor thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

(16) "Directory." A sign which lists the names of individuals, businesses, or products available at a single site.

(17) "Dilapidated." Any sign which is structurally unsound, has defective parts, or is in need of painting, or other maintenance.

(18) "Double-faced." A sign with two (2) faces which are usually but not necessarily parallel.

(19) "Electrical." A self-illuminated sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

(20) "Expressive." Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, an expressive sign may be an incidental, temporary, or a permanent advertising sign.

(21) "Festoon." A wreath of paper, flowers, leaves, strings of fringe or flags, etc., hanging in a loop or curve, or any carved or molded decoration resembling this, as hung or strung on poles, street furniture, buildings, or any object.

(22) "Flashing." Any lighted or electrical sign which emits light in sudden transitory bursts.

(23) "Face." The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

(24) "Ground." A sign permanently affixed to the ground by a foundation pedestal or other structure, such foundation, pedestal, or other structure being greater than three (3) feet in width or twelve (12) inches in diameter and not attached to any building.

(25) "Handtacked." A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

(26) "Height." The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction exclusive of any filling, mounting and/or berming which occurs directly due to the construction of the sign.

(27) "Illuminated." A sign designed to give forth any artificial light or reflect such light from an artificial source.

(28) "Incidental." An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than four (4) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger," "no trespassing" or "beware of dog," signs indicating temporary events such as a

garage sale or open house; political yard signs; and expressive signs smaller than six (6) square feet.

(29) "Indirect illumination." Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

(30) "Inflatable." A sign that is either expanded to its full dimensions, or supported by gasses contained within the sign, or sign parts, at pressure greater than atmospheric pressure.

(31) "Large residential." A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned unit development that contains more than twelve (12) dwelling units.

(32) "Luminous background." A sign created by trans-illuminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

(33) "Moving message board." Any electrical sign having a continuous message flow across its face by utilization of lights, or other electrical impulses forming various words or designs, such as time and temperature.

(34) "Neon wall sign." Any use of neon or gas tubular lighting on the exterior building facade or canopy for the purpose of providing a wall sign for the business and/or to outline the exterior of the building or structure so as to draw visual attention to the business.

(35) "Off-premises." Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For the purpose of this ordinance, easements and other appurtenances shall be considered to be inside such platted parcel of land. Signs identifying public service, religions or civic club organizations not to exceed four (4) square feet as approved by the enforcing officer (sign) are exceptions to this definition.

(36) "On-premises." Any sign located or proposed to be located at any place, if otherwise permitted by this ordinance, within the plat of record for the business or other activity identified on such sign.

(37) "Pennant." Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

(38) "Pole." A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

(39) "Political." A sign erected by a political candidate, group, or agent thereof, for the purpose of advertising a candidate regarding an issue on which there will be a public vote.

(40) "Portable." Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

(41) "Projecting." Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

(42) "Public service." A type of sign which is noncommercial that provides community service information or identification and includes church directional signs and civic club symbol or identification signs.

(43) "Realty." A type of incidental sign that temporarily provides information regarding the sale, lease, or rent of the premises or any improvements thereon which is no larger than six (6) square feet. All realty signs and auction sale signs shall be considered as being temporary signs.

(44) "Roof." Any sign attached to or mounted on any surface defined as a roof.

(45) "Structure." A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

(46) "Temporary." Any sign that has a specific limitation in the amount of time that it can be displayed. Expressive signs with between six (6) and fifteen (15) square feet of display surface area shall be treated as temporary signs.

(47) "Vehicle." A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

(48) "Wall." A type of building mounted sign (a) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (b) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached. (Ord. #98-011, as replaced by Ord. #05-012, Aug. 2005)

14-603. General provisions. The following requirements apply to all signs in all districts.

(1) General standards. (a) No sign except for those specified in § 14-603(4) shall be erected until a permit has been obtained in accordance with § 14-608 of this ordinance.

(b) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.

(c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.

(d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines seventy-five (75) feet from the point of the intersection.

(e) No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way except those signs permitted by § 14-603(4) provided that incidental signs are not permitted within such public right-of-way.

(f) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.

(g) No sign shall obstruct any doorway, window, or fire escape.

(h) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.

(i) All signs shall be maintained in good condition at all times. Signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. The owner shall be given ten (10) days written notice to comply with this ordinance. Should the owner and/or property occupant fail to comply within the prescribed period, the continued use of such sign shall be a violation of this ordinance.

(j) Signs shall conform to all national, state, and local electrical codes. All required permits shall be obtained.

(2) Calculation of display surface area. (a) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.

(b) On signs in which the copy together with the back-ground are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.

(c) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one

or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

(d) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

(e) In any district which permits advertising signs, the computation of display surface area shall include both advertising and accessory signs.

(f) On a corner lot, a permitted sign may be located along each street frontage according to the rules as cited within this ordinance.

(3) Height of signs. The following general rules shall apply in the determination of the height of signs.

(a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports, or the base of any sign directly attached to the ground.

(b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(4) Signs permitted in all districts. The following signs are permitted in all districts and do not require a permit except as specifically noted.

(a) Official federal, state, and local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty, provided such sign does not exceed four (4) square feet per sign face;

(b) Temporary signs warning of construction, excavation, or similar hazards, so long as the hazard may exist;

(c) Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday;

(d) Commemorative or historical plaques and tablets. Such signs shall be authorized by the enforcing officer, and shall not exceed nine (9) square feet per face and six (6) feet in height;

(e) The official flag of a government, governmental agency, public institution, religious corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays. Flags may also be used as a part of a professionally designed and permanently maintained and landscaped entrance or design feature of a residential or commercial development, provided that the number of flags shall not exceed three (3). Flags mounted on poles shall

meet the height and size requirements of the district in which they are located.

(f) Incidental signs subject to the following restrictions:

(i) Political signs shall not exceed 24 square feet and shall be removed no later than seven (7) days after the election;

(ii) Yard or garage sale signs shall be removed within twenty-four (24) hours after the sale, and shall not be erected longer than two (2) days;

(iii) Expressive signs shall be removed within seven (7) days after an election, campaign, or event;

(g) Street names and addresses stamped or painted on sidewalks or curbs only by the proper governmental representative(s);

(h) Directional signs not exceeding four (4) square feet per face;

(i) Public service signs subject to the following standards:

(i) Church directory signs shall be located on private property and only with the owner's permission. Each church using such signs shall obtain a blanket permit covering all signs and specifying their locations;

(ii) Civic club signs for all such organizations in the city shall utilize single sign structure(s) with individual names or symbols mounted thereon. Said structures may be located on the right-of-way or private property near the various entrances to the city on the major highways. All signs or symbols mounted on the sign structure may utilize unique colors or logos but shall be made of a standard type of material. Each site for a sign structure shall be landscaped. The sign structure, locations, materials, and landscaping shall be approved by the local enforcement official prior to their construction.

(j) Works of art that do not include any commercial messages, symbols, or references;

(k) No trespassing, no hunting, no fishing, no loitering, and like signs not exceeding one (1) square foot in area;

(l) Residential or commercial real estate signs not exceeding six (6) square feet per face, and two faces, and located only on the property that is for sale.

(5) Signs prohibited in all districts. The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

(a) Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance. An abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of the violation;

(b) Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of

goods and/or persons in the everyday and ordinary course of business of the owner thereof. Any sign constructed in the bed of a pick-up truck advertising the identity of a business or products available on or off the premises shall be included herein as a prohibited sign;

(c) Signs which are made structurally sound by guy wires or unsightly bracing;

(d) Signs which contain any kind of strobe or pulsating lights;

(e) Animated signs;

(f) Banner signs, festoons, and tents except as specifically permitted in § 14-106;

(g) Any sign with direct illumination provided by exposed bulbs or lamps;

(h) Flashing signs;

(i) Handtacked signs;

(j) Portable signs;

(k) Roof signs;

(l) Inflatable signs or tethered balloons of all shapes and types;

(m) No signs advertising goods and products not being sold on the occupancy site or property (see definition of occupancy). (Ord. #98-011, as replaced by Ord. #05-012, Aug. 2005)

14-604. Permitted signs in residential districts. Within the residential districts as delineated by the Kingston Springs Zoning Ordinance, permanent accessory signs are permitted subject to the provisions as set forth herein.

(1) Accessory civic signs. (a) A community facility activity may have one (1) civic sign constructed as a ground sign or a wall sign.

(b) A ground sign shall not exceed four (4) feet in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

(c) A wall sign shall not exceed twenty-five (25) square feet in size.

(d) Civic signs may be illuminated by indirect means or with luminous background. Indirect lighting shall not exceed fifty (50) foot candles, and a luminous background shall not exceed ninety (90) foot lamberts in brightness. In no event shall the light from any sign exceed one (1) foot candle at the lot line.

(e) Civic signs shall be set back from the street right-of-way a minimum of fifteen (15) feet.

(2) Large residential signs. (a) Large residential signs may be permitted at the main entrances to a subdivision or to a planned unit or multi-family development containing twelve (12) or more dwelling units subject to the approval of the planning commission.

(b) One (1) sign may be permitted, on either side of the entrance, if such sign is on private property. If there is a median in the entrance street, such sign may be located in the median.

(c) All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.

(d) A large residential sign shall not exceed twenty-five (25) square feet in size.

(e) The maximum height of such sign shall be four (4) feet when constructed as a ground sign. A ground sign which is integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

(f) Any large residential sign and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.

(g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure. (Ord. #98-011, as replaced by Ord. #05-012, Aug. 2005)

14-605. Permitted signs in commercial and industrial districts.

(1) Within the commercial and industrial districts, as delineated by the Kingston Springs Zoning Ordinance, the following provisions shall apply.

(a) Projecting signs are permitted subject to the following standards:

(i) A use may be permitted to have one (1) projecting sign attached to the front of the building.

(ii) Such sign shall not exceed forty (40) square feet in display surface area.

(iii) In all districts, except C-1, such sign shall not project into the public right-of-way and in no case shall such sign be closer than five (5) feet from the curb or edge of pavement of the travel way, or no less than fifteen (15) feet from the right-of-way, whichever is more restrictive. In a C-1 district, a projecting sign shall be no closer than five (5) feet from the curb or edge of pavement of the travel way.

(iv) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.

(v) In all districts, except C-1, such sign shall clear the established grade by a minimum of ten (10) feet. In a C-1 district, this minimum clearance is eight (8) feet.

(vi) Such sign shall be no closer than thirty (30) feet to any other projecting sign.

(b) Wall signs are permitted subject to the following standards:

(i) The display surface area of such sign shall not exceed ten (10) percent of the square footage of the wall to which it is attached, and occupy more than forty (40) square feet of said surface area.

(ii) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.

(iii) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.

(iv) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.

(v) Such sign shall not cover or interrupt major architectural features of the building.

(vi) If a use utilizes both wall and projecting signs, the total display surface area for each type of sign shall not exceed forty (40) square feet.

(c) Pole or ground signs are permitted subject to the following standards:

(i) A use shall be permitted to have one (1) ground or pole sign for each street frontage.

(ii) Such sign shall have a maximum display surface area of forty (40) square feet.

(iii) The maximum height of a pole sign shall be thirty (30) feet and of a ground sign four (4) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

(iv) The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.

(v) Such sign shall be set back from the right-of-way a minimum of fifteen (15) feet.

(d) Development signs are permitted subject to the following standards:

(i) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the enforcing officer, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.

(ii) A development sign shall not exceed two hundred (200) square feet in size or fifteen (15) feet in height.

(iii) A development sign shall not be lighted.

(iv) Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

(e) The following provisions and standards shall apply to commercial complexes.

(i) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred-fifty (250) feet in length, one (1) additional sign shall be permitted. The maximum size of each such sign shall be a ratio of 1/2 of 1 of square footage of sign area to the length of the street frontage, or the front facade of the building, whichever is greater, with a maximum aggregate sign area of one hundred (100) square feet. No single type of sign shall exceed fifty (50) square feet in size. Such sign shall not exceed thirty (30) feet in height or the height of the building, whichever is less, if a pole sign; or four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

(ii) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows, or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall and may be apportioned for multiple occupants, with

each occupant being entitled to an equal share of the display surface area. Signs attached to the inside of windows and intended to be viewed from the exterior of the building shall cover no more than twenty-five (25) percent of such window.

(iii) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1) above with each occupant being entitled to one (1) directory panel. This provision may also apply to businesses on any cul-de-sac street in a C-2 zone not exceeding one-quarter mile in length with two or more businesses addressed to that street.

(iv) A commercial complex may also be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance and both shall be on private property. If there is a median, a sign may be located on the subject property in the median. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped and privately maintained. No sign shall exceed twenty-five (25) square feet in size nor seven (7) feet in height.

(f) Signs may be illuminated subject to the following standards:

- (i) Exposed bulbs are prohibited.
- (ii) No sign shall change color or intensity.
- (iii) The brightness and surface illumination shall not exceed:

Luminous background - 150 foot lamberts

Indirect Illumination - 50 foot candles

(iv) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential.

(v) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

(g) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional (supplemental) provisions shall apply:

(i) Each such use shall be permitted:

One (1) permanent price sign per street frontage.
Such sign shall be affixed to or made part of the permitted

pole sign and shall not exceed twenty (20) square feet in size. Such sign shall be setback from the right-of-way a minimum of fifteen (15) feet.

Two (2) non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street. Also, a "pump topper" sign no larger than eighty (80) square inches per sign shall be allowed on each pump.

(h) This section shall be applicable only to movie houses or theaters. The following additional (supplemental) provisions shall apply:

(i) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building, and be located no closer than five (5) feet from the edge of curb or edge of pavement. See § 14-105.5.1(b) for applicable developmental standards.

(ii) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of thirty (30) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).

(2) Advertising signs (billboards). Advertising signs may be permitted only within the C-2, and I-1 zoning districts, and oriented thereto and subject to the standards that follow below. No new billboard or off-site sign can be located within the corporate limits of Kingston Springs with the exception of such signs which are addressed in (2)(c) below.

(a) All advertising signs shall be freestanding and mounted upon a single support pole, and shall not be double stacked or constructed side by side.

(b) The maximum display surface area shall be six hundred (600) square feet.

(c) An advertising sign shall not be located on the same lot as any other use.

(d) No advertising sign shall be located on or extend across any public right-of-way.

(e) No new advertising signs shall be erected by a sign company under any circumstances until it has removed an equal number of non-conforming advertising signs which it operates. Hence, no new billboards or advertising signs shall be constructed except to replace already existing advertising signs or billboards that were currently in

existence at the time this ordinance was officially adopted. In all such cases they can be no larger than six hundred (600) feet in area.

(f) The minimum distance between advertising signs located along and oriented toward the same public street shall be no less than two thousand (2,000) feet and shall be applied as follows:

The spacing requirements shall be applied separately to each side of a public street.

The spacing requirements shall be applied continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.

(g) No advertising sign shall be located closer than fifteen-hundred (1,500) feet from any other such sign regardless of location or orientation.

(h) The spacing between signs oriented toward and located along the same side of a street shall be measured along the public street line and shall be the distance between points "A" and "B" as illustrated by the dashed lines shown on diagrams 1 and 2 within the appendix of this ordinance.

(i) The spacing between signs oriented toward different streets and between those oriented toward but located on opposite sides of the same street shall be the straight line distance between the nearest point of each sign.

(j) The maximum height of advertising signs shall be thirty-five (35) feet above the elevation of the pavement nearest the sign.

(k) The illumination standards contained in § 14-605(1)(e) shall apply, provided that the brightness and surface illumination shall not exceed:

Luminous Background - 200 foot lamberts

Indirect Illumination - 75 foot candles

(l) No advertising sign shall be located closer than six hundred (600) feet from any property zoned residential. (Ord. #98-011, as replaced by Ord. #05-012, Aug. 2005)

14-406. Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(1) General requirements. (a) A permit shall be required for all temporary signs except yard sale signs and pointer signs for such sales and real estate.

(b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building.

(c) One (1) temporary sign may be permitted for each three hundred (300) feet of street frontage on a public street.

(d) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.

(e) No temporary sign shall be displayed on a roof.

(f) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner or festoon announcing a fair, festival, parade, Christmas festivities, city sponsored activity, or similar activity that will be open to the general public.

(g) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to four (4) items of information.

(h) Tents, but only when fireworks may legally be sold within the city limits. These are subject to all provisions related to fireworks within the city code

(i) Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has either a plot (site) plan, or preliminary master plan approval. (See § 14-605(1)(d) for applicable design standards).

(j) Pointer/directional signs are permitted only when the sale or special event is to take place within the municipal boundaries of the Town of Kingston Springs. (Amendment: 00-011, Oct. 2000)

(k) It is explicitly understood that any property owner who allows a pointer/directional sign to be posted on their property is thereby held responsible for the removal of said sign at the conclusion of the sale or special event. (Amendment: 00-011, Oct. 2000)

(2) Duration of temporary signs. (a) Display of temporary signs shall be limited as follows:

(i) Construction signs permitted in § 14-606(1)(g) shall be removed upon completion of the project.

(ii) Signs for special events open to the general public shall be limited to thirty (30) days.

(iii) Signs for special sales or business promotions shall be limited to fifteen (15) days.

(iv) Display of all temporary signs on a lot or parcel except for those in § 14-606(2)(a)(i) shall be limited to a maximum of ninety (90) days per calendar year.

(v) Temporary development signs shall be limited to the period of time that the project is under development, as limited by the zoning ordinance, subdivision regulations, and/or Standard Building Code.

(vi) Pointer/directional signs may only be posted on the day of the sale or special event. (Amendment: 00-011, Oct. 2000)

(3) Display surface area, height, and illumination. (a) Maximum display surface area shall be thirty (30) square feet except for street banners which shall not be limited.

(b) Maximum height shall be twelve (12) feet, except that banners displayed over a public street shall have a minimum clearance of fifteen (15) feet. This shall also apply to festoons and lights during the Christmas season.

(c) Temporary signs shall not be illuminated except in commercial or industrial districts, with the exception of the Christmas season.

(d) The maximum display surface area for a temporary development sign shall be forty (40) square feet.

(e) The maximum display surface area for a pointer/directional sign shall be four (4) square feet. (Amendment: 00-011, Oct. 2000)

(4) Location of temporary signs. (a) No temporary sign shall be located on public right-of-way, public property, utility pole, or fence. (Amendment: 00-011, Oct. 2000)

(b) The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.

(c) No temporary signs shall be closer than fifty (50) feet from any permanent sign.

(d) Pointer/directional signs may be posted on the property that the sale or special event is to take place on as well as up to two (2) additional properties with the maximum number of signs on those two (2) additional properties being one (1) sign per property. (Amendment: 00-011, Oct. 2000) (Ord. #98-011, as replaced by Ord. #05-012, Aug. 2005)

14-607. Nonconforming and non-complying sign provisions. Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or non-complying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, and shall be removed only when the Enforcing Officer utilizing certain appropriate sections of the Standard Building Code, the City Code of Kingston Springs, and/or various provisions of this ordinance deem such signs as being dilapidated and constituting a definite health hazard to the public, however, that any advertising sign located within six hundred sixty (660) feet of a federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law. Nonconforming portable and hand-tacked signs and signs in a public right-of-way shall be removed within forty-five (45) calendar days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.

(1) Alterations to nonconforming and non-complying signs. A nonconforming or non-complying sign may be altered subject to the following conditions.

(a) That the degree of nonconformance or noncompliance is not increased as apply to on-premises signs. Such alterations are limited to the changing of a copy of a permitted changeable copy sign, or the painting or refinishing of the surface of a sign face or sign structure so as to maintain an adequate appearance. The alterations of advertising signs which are non-conforming or non-complying must adhere to all the requirements cited in § 14-605(2). In all cases, the business owner shall obtain a sign permit in accordance with the terms of this ordinance.

(b) If any non-conforming sign is removed as per the requirements cited in § 14-607 above or for any other reason, with the exception of advertisement signs (billboards), it shall not be allowed to be replaced.

(c) If any non-complying sign is removed with the exception of advertisement signs (billboards), it can only be reconstructed if it is brought into compliance with all applicable yard, setback, size, and height requirements as stipulated within this ordinance.

14-608. Administration. (1) Sign permit application. (a) An application for a sign permit must be filed at city hall at the enforcing officer's office.

(b) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a Signage Plan for the lot which shall include all signs, existing and proposed.

(c) For any lot on which the owner proposes to erect any sign requiring a permit, Signage Plan shall be submitted containing the following:

- (i) An accurate surveyed plot plan of the lot;
- (ii) Location of all buildings on the lot;
- (iii) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
- (iv) Standards for consistency among all signs on the lot and/or buildings with regard to color scheme, graphic style, lighting, materials, location on buildings, and proportions;

(d) The signage plan may contain such other restrictions as the owner of the lot may determine which are in conformity with the provisions of this ordinance and shall be signed by all owners of the property.

(e) A Signage Plan may be amended by filing a new plan with the enforcing officer which conforms to all requirements of this Ordinance.

(f) After approval of a signage plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in

conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of this ordinance and the provisions of any sign plan, this ordinance shall control.

(g) An application for a sign permit shall contain the following:

(i) Name, address, and phone number of the property owner;

(ii) Name of persons or firms, as well as its city business license number thereof erecting the sign and all structures;

(iii) Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.

(iv) The approximate value of the sign to be installed including the installation cost.

(h) The permit fee shall be as established by resolution of the city council. Said fee may cover all signs included on the plan or may apply to any sign being changed. See § 14-608(7) of this ordinance for the penalties associated with a failure to obtain a sign permit.

(i) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

(2) Exceptions. The following signs shall be exempt from the payment of fees:

(a) Incidental signs, with the exception that a cash bond or escrow must be filed with the enforcing officer to ensure that such signs will be removed promptly as mandated in § 14-603(4) of this ordinance.

(b) Official federal, state, and local government signs.

(c) Commemorative or historical plaques.

(3) Appeals. Any person aggrieved by any action of the enforcing officer in denying or issuing a sign permit as herein described may, within thirty (30) days, appeal for a variance or other relief in writing to the board of sign appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said board on the appeal. The board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the board deems advisable and in keeping with state law.

(4) Creation of the board of sign appeals. There is hereby created a board of sign appeals. Said board shall consist of five (5) members appointed by the mayor for a term of three (3) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two (2) year term and two (2) members a three (3) year term. The board shall elect a chairman from its members.

The city shall provide a secretary to keep all records of the board.

(5) Powers and duties of the board. The board of sign appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer.

(b) To hear and decide requests for variances from the provisions of this ordinance according to the criteria cited within § 16-608(6)(b)(vi) herein.

(6) Standards for appeal decisions. Before granting any relief from the application of the provisions of this, the board shall make specific findings of fact justifying the case under appeal.

(a) For a finding of error, the board shall state the section of the ordinance that is being appealed and how the enforcing officer erred in the application of the ordinance requirements.

(b) For an action granting a variance, the board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.

(ii) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.

(iii) The hardship has not been created by any person having an interest in the property.

(iv) Financial returns only shall not be considered as a basis for granting the variance.

(v) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this ordinance.

(vi) The variance does not confer a special privilege to the applicant that is denied to others.

(c) Under no circumstances shall the board grant a variance to allow a sign which is not permitted by this ordinance.

(d) The board may impose such conditions and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this ordinance.

(7) Violations and penalties. Any person, firm, or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than fifty (\$50.00) dollars per offense.

Each day that a violation continues shall be considered a separate offense and an additional violation. If within seven (7) days, the owner of a sign fails to contact the enforcing officer in order to bring said sign into compliance with this ordinance, or to obtain a permit for said sign, the enforcing officer is herein empowered to have the sign removed and impounded without any further notice.

(8) Impoundment of signs. The enforcing officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features, or signs otherwise prohibited within this ordinance, and to impound them for a period of ten (10) days. The owner of a sign impounded may recover same upon the payment of fifty (50) dollars for each sign, prior to the expiration of ten (10) days.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein. (Ord. #98-011, as replaced by Ord. #05-012, Aug. 2005)

14-609. Legal status provisions. (1) Exercise of police power. This entire ordinance shall be deemed and construed to be an exercise of the police power of the Town of Kingston Springs, Tennessee, adopted under the authority of Tennessee Code Annotated, § 6-19-101, for the preservation and protection of the public's health, safety, morals, and general welfare and pursuant to all other powers and authorities for the aforesaid purposes and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(2) Severability. If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

(3) Conflict with other ordinance. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing or future ordinance of the city, the most restrictive provision shall in all cases apply.

(4) Interpretation. Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter.

(5) Effective date. This ordinance shall take effect and be in force form and after its passage, the public welfare demanding it.

(6) Failure to comply. Failure to comply with the sign ordinance of the Town of Kingston Springs may lead to the removal of the sign(s) that are not in compliance with said ordinance, a citation to municipal court, or both. (Amendment: 00-011, Oct. 2000) (Ord. #98-011, as replaced by Ord. #05-012, Aug. 2005)

APPENDIX ILLUSTRATIONS

LOCATION OF ADVERTISING SIGNS

DIAGRAM 1

Spacing of Signs Along Curved Streets

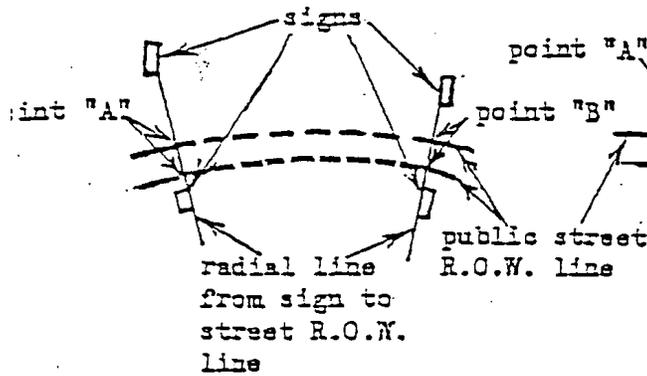
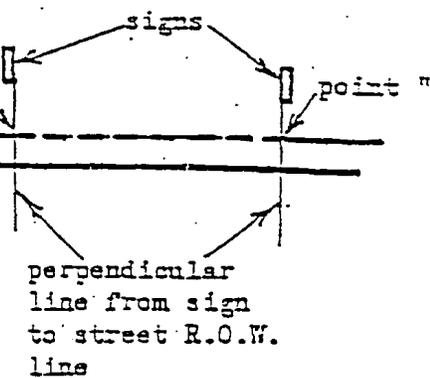


DIAGRAM 2

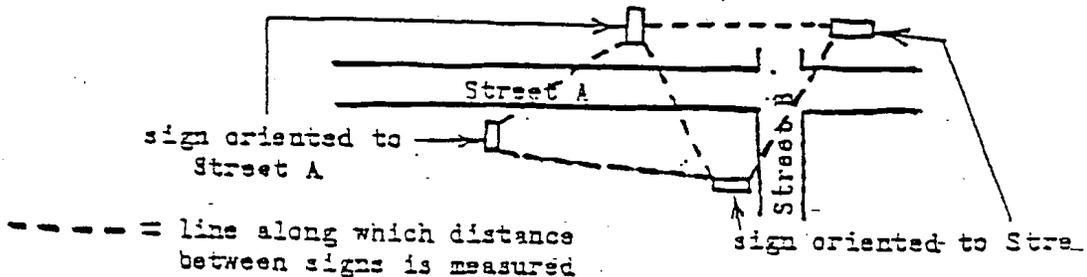
Spacing of Signs Along Straight Streets



----- = line along which distance between signs is measured

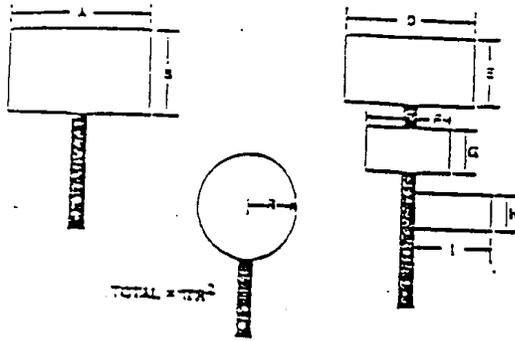
DIAGRAM 3

Measurement of Distance Between Signs Oriented Toward Different Streets



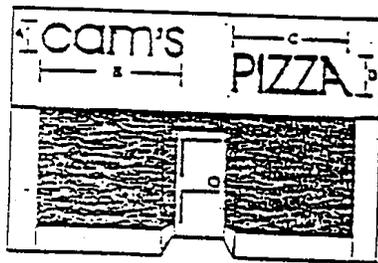
Signs - How Measured

A. AREA OF SIGN



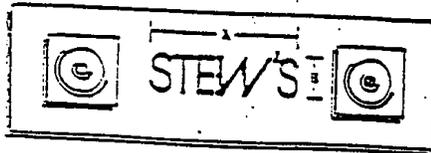
Sign area shall include the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface but excluding essential sign structure, foundations or supports. For a multiple face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.

B. AREA OF COPY

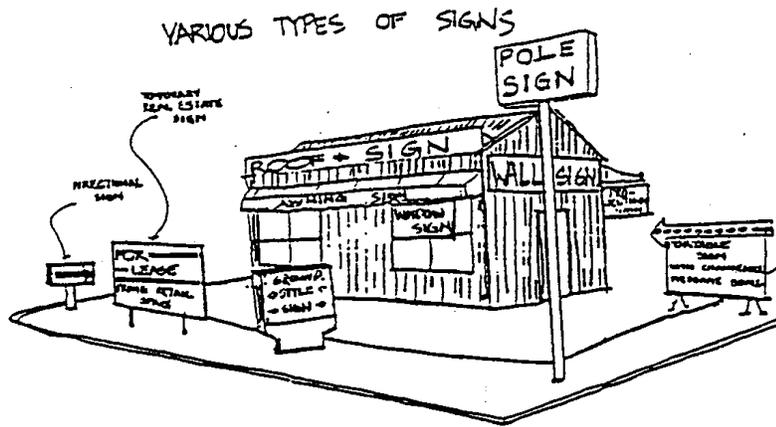


Copy area includes the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message on a wall sign.

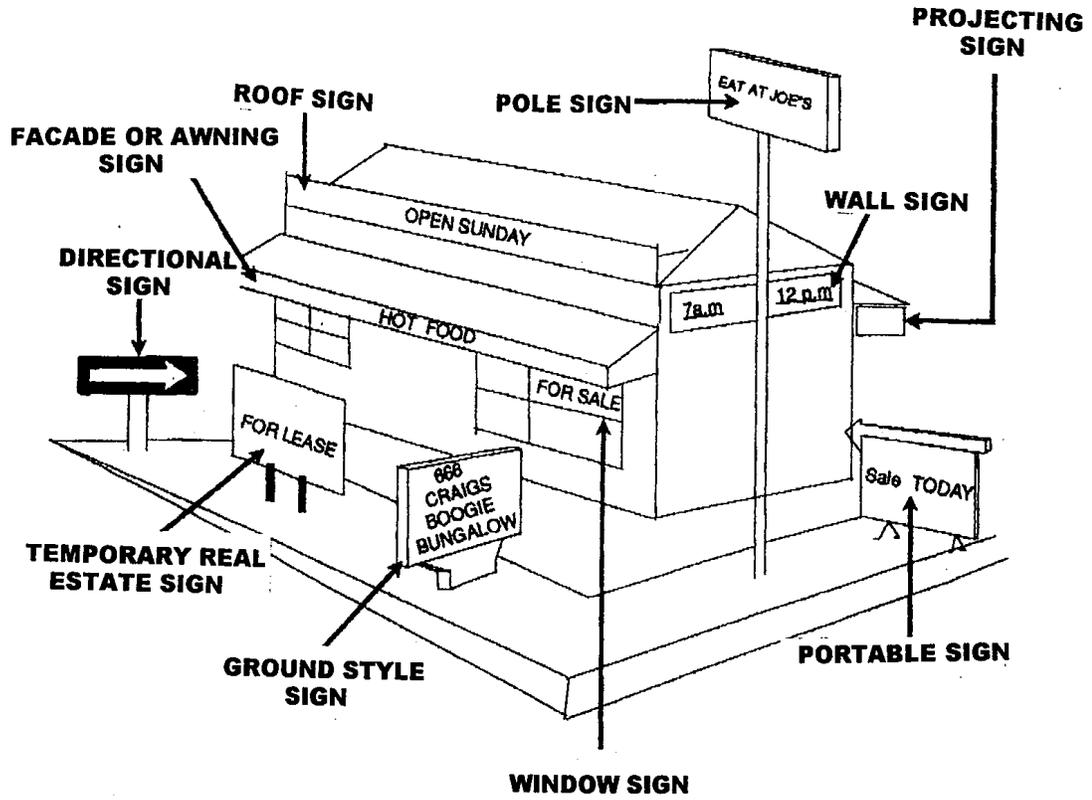
C. NEUTRAL SURFACE



Neutral surfaces intended only to integrate and harmonize a wall sign with the architecture of the building to which it is attached, shall not be included in the calculation of sign area.



VARIOUS TYPES OF SIGNS



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. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.

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.

- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.
- 15-122. Careless driving.
- 15-123. Reckless driving.
- 15-124. Unlawful drive through.
- 15-125. Compliance with financial responsibility law required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1984 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1984 Code, § 9-106)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1984 Code, § 9-109)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1984 Code, § 9-110)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1984 Code, § 9-111)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1984 Code, § 9-112)

15-107. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1984 Code, § 9-113)

15-108. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1984 Code, § 9-114)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign,

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1984 Code, § 9-115)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved, and made official. (1984 Code, § 9-116)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1984 Code, § 9-117)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1984 Code, § 9-118)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1984 Code, § 9-120)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1984 Code, § 9-121)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1984 Code, § 9-122)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1984 Code, § 9-123)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1984 Code, § 9-124)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1984 Code, § 9-125)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1984 Code, § 9-126)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1984 Code, § 9-119)

15-121. Bicycle riders, etc. (1) Every person riding or operating a bicycle, motor cycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycle.

(2) No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(3) No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

(5) No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

(6) All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

(7) Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1984 Code, § 9-127)

15-122. Careless driving. Every person operating a vehicle upon the streets within the Town of Kingston Springs, or upon any private road or driveway or parking area, shall drive the same in a careful and prudent manner,

having regard for the width, grade, curves, corners, traffic and use of these streets in private areas, and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this title. (as added by Ord. #96-005, July 1996)

15-123. Reckless driving. (1) It is unlawful for any person to drive any vehicle upon the streets of the Town of Kingston Springs or upon any private road or driveway or parking area in a willful or wanton disregard for the safety of persons or property. Any person who drives any vehicle at a speed of 15 or more miles per hour than the posted speed limit upon any streets of this municipality or upon any private road or driveway or parking area in any residential district shall be presumed to be driving in a willful and wanton disregard for the safety of persons or property and the burden of proof shall be upon the driver to establish they were not driving with such disregard.

(2) For any person or persons electing to plead guilty and pay a fine for the violation of this section prior to the court date, the fine for the conviction of a first violation of this section within a twelve-month period shall be \$100.00, and a fine for the conviction of a second violation within twelve months shall be \$250.00. The fine for the conviction of a third violation within twelve months shall be set by the court. (as added by Ord. #96-005, July 1996)

15-124. Unlawful drive through. The driver or operator of any vehicle shall not drive upon or through any private property, or upon or through any parking lot or driveway, not a part of a public street or roadway, when such operation of a vehicle shall (1) be for the purpose of avoiding obedience to any traffic regulation or ordinance; or (2) cause unnecessary traffic congestion; or (3) be without the express written consent of the property owner and not be a lawful business or event or activity patron; or (4) be in violation of any sign duly posted prohibiting a drive through or turn around when said sign shall be erected by the owner or occupant of the real property, and said sign shall be in such form as the city manager may prescribe in conformity with this section. (as added by Ord. #97-007, Feb..1997)

15-125. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50, Tennessee Code Annotated as amended; any provision of title 15 of this and any other applicable municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106 the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued.

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected. (as added by Ord. #09-002, Feb. 2009)

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. (1984 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. (1984 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 traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1984 Code, § 9-104)

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. (1984 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1984 Code, § 9-201)

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. (1984 Code, § 9-202)

15-303. In school zones. It shall be unlawful for any person to violate any special speed limit enacted and in effect pursuant to Tennessee Code Annotated, § 55-8-152.

When the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1984 Code, § 9-203)

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 city. (1984 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1984 Code, § 9-301)

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. (1984 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1984 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. (1984 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1984 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian-control signals.
- 15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge of curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1984 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. (1984 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. (1984 Code, § 9-403)

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

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1984 Code, § 9-404)

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. (1984 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. (1984 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. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1984 Code, § 9-407)

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 city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1984 Code, § 9-408)

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 city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1984 Code, § 9-409)

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. (1984 Code, § 9-410)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

15-601. Where prohibited.

15-601. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within fifteen feet (15') of a fire hydrant;

(5) Within a pedestrian crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21.

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.

15-702. Deposit of driver's license in lieu of bail.

15-703. Failure to obey citation.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1984 Code, § 9-501)

15-702. Deposit of driver's license in lieu of bail. Pursuant to Tennessee Code Annotated, § 55-50-801, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, or under the driver licensing laws of any other state or the District of Columbia, is issued a citation or arrested and charged with a violation of any city ordinance regulating traffic except driving under the influence of an intoxicant or narcotic drug, leaving the scene of an accident or any other traffic offense which calls for the mandatory revocation of an operators' or chauffeurs' license for any period of time, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court.

All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805 and any implementing orders of the Department of Safety, State of Tennessee. (1984 Code, § 9-502)

15-703. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1984 Code, § 9-503)

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. SUBDIVISION REGULATIONS.
4. NUMBERING SYSTEM.

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. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Use of trucks prohibited upon certain streets.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1984 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1984 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1984 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the board of commissioners. (1984 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of commissioners after a finding that no hazard will be created by such banner or sign. (1984 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1984 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1984 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1984 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1984 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the 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. (1984 Code, § 12-110)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1984 Code, § 12-112)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1984 Code, § 12-113)

16-113. Use of trucks prohibited upon certain streets. (1) It shall be unlawful to drive any truck exceeding 12,000 pounds gross vehicle weight, except for the purpose of making a delivery of goods, merchandise or other wares, on any street so designated prohibiting the same and properly sign posted. This section shall not apply to all roadways which abut, front or have access within a C-1, C-2, C-3, I-1 and I-2 Zoning District(s), together with State Route 249, Interstate 40 and West Kingston Springs Road.

(2) All other streets, not set forth in section (1), shall be deemed as limited load streets. It shall be unlawful to operate any vehicle on any street so posted, including, but not limited to, vehicles with gross weight on the surface of any street through any axle exceeding 12,000 pounds, gross volume weight, or on any street where the weight of vehicle permitted is limited by properly posted signs or for allowed deliveries in section (1), in which case such vehicle may be driven on such street not more than the minimum distance necessary for such purpose. (Ord. #87-002, Jul. 1987, as amended by Ord. #96-004, July 1996, and replaced by Ord. #00-001, Feb. 2000)

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 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.
- 16-211. Driveway connections to street.

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. (1984 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an

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).

agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1984 Code, § 12-202)

16-203. Fees. The fee for such permits shall be fifteen dollars (\$15.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and one dollar (\$1.00) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1984 Code, § 12-203, as amended by Ord. #87-012, Dec. 1987)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of fifty dollars (\$50.00) if no pavement is involved or one hundred fifty dollars (\$150.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1984 Code, § 12-204, as amended by Ord. #87-012, Dec. 1987)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1984 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the

recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. Restoration shall also include the restoring work will be of such workmanship so as to guarantee the restoration for a period of one-year from and after the date of completion and applicant at his expense will cause additional work to be performed if said repairs are not satisfactory or reimburse the city for maintenance it may perform for unsatisfactory restoration after receiving written notice from the city manager or building inspector. (1984 Code, § 12-206, as amended by Ord. #87-012, Dec. 1987)

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. (1984 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. In no event shall completed restoration extend beyond a period of forty-five (45) days from the date of permit issuance. (1984 Code, § 12-208, as amended by Ord. #87-012, Dec. 1987)

16-209. Supervision. The city shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or

other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1984 Code, § 12-209, modified)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city.¹ 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. Driveway aprons shall not extend into the street. (1984 Code, § 12-210, as amended by Ord. #87-012, Dec. 1987, modified)

16-211. Driveway connections to street. All driveways connecting with city streets that require a culvert shall be constructed with a minimum eighteen (18) inch drainage pipe under the driveway at its connection with the street. (1984 Code, § 12-211, modified)

¹Municipal code reference
Zoning ordinance: title 14, chapter 2.

CHAPTER 3

SUBDIVISION REGULATIONS

SECTION

- 16-301. Prohibiting right of way encroachment; regulation of parking.
16-302. Drainage of street right of ways.
16-303. Signs.
16-304. Sight distance.
16-305. Arrangement and alignment of driveway connections; required permit procedures.

16-301. Prohibiting right of way encroachment; regulation of parking. No part of the street right-of-way should be used for servicing vehicles, displays or for conducting private business. All rights-of-way shall be kept clear of buildings, fences, business signs, parking areas, service equipment and appurtenances thereto. Parking may be permitted on the roadway only where specifically permitted, as posted, by the city.

Each roadside business establishment shall provide parking and storage space off of the right-of-way so as not to impede the use of a business driveway or hinder traffic upon a thoroughfare.

For business establishments at a corner street intersection, parking shall be restricted on each street between the intersection and nearest driveway.

Violators of this section shall be subject to a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) in the municipal court of the city. (Ord. #88-005, Aug. 1988, as amended by Ord. #92-004, Jun. 1992)

16-302. Drainage of street right of ways. All driveways shall be constructed in a manner which will not impair drainage within the street right-of-way, nor alter the stability of the roadway subgrade. Further, driveways constructed shall not impair or materially alter the drainage of adjacent areas. All culverts, catch basins, drainage channels and other drainage structures required within the right-of-way and under driveways as a result of any property being developed within the city shall be installed in accordance with the standard cited within the subdivision regulations of the City of Kingston Springs, which are hereby incorporated by reference and in accordance with the city's zoning ordinance. (Ord. #88-005, Aug. 1988, as amended by Ord. #92-004, Jun. 1992)

16-303. Signs. No advertising structures, advertising signs or advertisements shall be located within the street right-of-way limits and shall in all cases comply within the regulations cited in Section 4.080 of the city's zoning ordinance. Violators of this section shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) in the municipal

court of the city. (Ord. #88-005, Aug. 1988, as amended by Ord. #92-004, Jun. 1992)

16-304. Sight distance. Any driveway installed along a city street shall be located so as to afford maximum sight distance and shall not constitute a safety hazard. Where a driveway is provided to a commercial establishment, the right-of-way and adjacent border area shall be reasonably clear so that either the establishment or an appropriate sign located outside of the right-of-way can be seen at a sufficient distance to enable property maneuvers on the part of drivers desiring to enter the establishment. The profile of a driveway and the grating of the right-of-way shall be such that a driver of a vehicle that is standing on the driveway may see a sufficient distance in both directions to enable him to enter the highway without creating a traffic hazard.

All improvements on property adjacent to street right-of-way shall have a sufficient setback so that parking, stopping and maneuvering on the right-of-way will be avoided by those patrons in vehicles entering business establishments.

Driveways for vehicles entering or leaving a residential development or establishment shall not interfere with the free movement of traffic or create a hazard upon a public street. Where feasible, driveways shall be located where there are not sharp curves, steep grades and where sight distances are adequate for safe traffic operation. Driveways shall not be located within intersections, rotaries and interchanges, or on streets immediately approaching such. Driveways shall also be located in such a manner that there will be no interference with the placement of signs, signals or other devices affecting traffic operation. (Ord. #88-005, Aug. 1988, as amended by Ord. #92-004, Jun. 1992)

16-305. Arrangement and alignment of driveway connections; required permit procedures. The arrangement and alignment of driveways must be in such a manner that will complement the highway alignment, street profile and sight distance conditions. From the point where any driveway abuts the pavement of any street or highway, the slope of that driveway shall under no circumstance exceed a ten (10) percent grade for the first twenty (20) feet of said driveway's point of abutment with the pavement of the street or highway in question. The permissible number, arrangement and width of driveways shall be governed in part by the street frontage of abutting private property, and shall comply with the minimum access control requirements cited in Section 3.090 of the Kingston Springs Zoning Ordinance. The number of driveways provided shall be the minimum number required to serve the needs of the adjacent property. Frontages of 100 feet or less shall be limited to one driveway. No more than two (2) driveways will be provided to any single property tract or business establishment.

Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way lines shall not be less than 25 feet.

At an intersection of two streets, a driveway connecting each street with a corner property will be permitted, where essential, to conduct business on a corner tract, provided such driveways comply with the minimum access control requirements cited in Section 3.090 of the Kingston Springs Zoning Ordinance. An area where traffic in relation to capacity is high, the corner clearance on the approach side to the intersection should be greater than on the far side of the intersection.

Whenever possible, all driveways shall be positioned at right angles to the public roadway.

All driveway connections to a city street require a permit to be issued by the municipality. The applicant must furnish to the city a detailed written application setting forth the request to be entitled to construct a driveway, including, a dimensional sketch illustrating the location of the applicant's property, a plot plan or simple layout relating to the proposed access design and the proposed usage of the property to be served by reason of the driveway to be installed. The city will inspect the proposed site prior to final issuance of the permit. Driveways with a slope greater than ten (10%) percent grade for the first twenty (20) feet of said driveway abutting the pavement of the street or highway will be designated as a critical lot. Upon any critical lot, detailed construction plans will be required prior to issuance. The critical lot plan, once reviewed, will be issued if in compliance with this chapter or those other ordinances of the municipality. Should the permit be denied, the permit denial may be appealed by the applicant to the board of construction appeals for review, prior to commencement of construction. (Ord. #88-005, Aug. 1988, as amended by Ord. #92-004, Jun. 1992; and further amended by Ord. #97-011, Aug. 1997)

CHAPTER 4

NUMBERING SYSTEM

SECTION

16-401. Designation of street number of officially named streets.

16-402. Posting of designated street address.

16-403. New structures.

16-404. Penalties.

16-401. Designation of street numbers on officially named streets.

(1) The property numbering map entitled "Property Numbering Map, of Kingston Springs, Tennessee," is hereby adopted as the official property-numbering map of the City of Kingston Springs, Tennessee, and all property numbers assigned shall be assigned in accordance with this numbering map, and no other property numbers shall be used or displayed in the city, except numbers assigned in accordance with the official numbering map. The property-numbering map shall be kept on file in the office of the building inspector.

(2) The city manager shall keep a record of all numbers assigned under this chapter. (Ord. #86-006, Dec. 1987)

16-402. Posting of designated street address. (1) The owner or occupant or person in charge of any house or building to which a number has been assigned will be notified in writing by the city manager, or other designated city official of the number assigned to the same.

(2) Within sixty (60) days after receipt of such written notification from the city manager, or other designated city official, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the number in a conspicuous manner in a conspicuous place.

(3) It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the city. The owner or occupant shall not only remove any old or different number from a structure, but also shall remove old or different/confusing numbers upon or affixed to U.S. mail boxes.

(4) Each principal building shall display the number assigned to the frontage on which the entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance may display a separate number.

(5) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be legible and distinguishable from the street on which the property is located. (Ord. #86-006, Dec. 1987)

16-403. New structures. (1) All residence and business buildings erected after the adoption of this chapter shall be assigned a number in accordance with the property-numbering map and shall purchase and display such number as provided in § 16-402 of this chapter.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the building inspector, or the designated city official of the City of Kingston Springs the official number of the premises. Final approval for a certificate of occupancy of any principal building erected or repaired shall be withheld until permanent and proper numbers have been displayed in accordance with the requirements of § 16-402. (Ord. #86-006, Dec. 1987)

16-404. Penalties. In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this chapter by failing to affix the number assigned within sixty (60) days after notification, or by failing within said period of sixty (60) days to remove any old numbers affixed to such house, or house entrance, or elsewhere, which may be confused with the number assigned thereto, he shall be guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00). (Ord. #86-006, Dec. 1987)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. OPEN BURNING.
2. REFUSE AND TRASH DISPOSAL.

CHAPTER 1

OPEN BURNING

SECTION

17-101. Open burning.

17-101. Open burning. It shall be unlawful for any person to engage in open burning, except as is allowed by the Rules of the Tennessee Department of Environment and Conservation, Division of Air Pollution Control, Chapter 1200-3-4, et seq., as promulgated under authority granted by Tennessee Code Annotated 68-25-105 and 4-5-202, as amended, all to which reference is hereby made and incorporated herein, upon property located within the municipal limits of the Town of Kingston Springs, Tennessee. This section prohibiting the aforesaid shall in no manner limit state law regulating like-kind activity and violation hereof may constitute a separate state offense. (as added by Ord. #03-007, Feb. 2004)

¹Municipal code reference

Property maintenance regulations: title 13.

CHAPTER 2

REFUSE AND TRASH DISPOSAL

SECTION

- 17-201. Refuse defined.
- 17-202. Premises to be kept clean.
- 17-203. Storage.
- 17-204. Location of containers.
- 17-205. Disturbing containers.
- 17-206. Collection.
- 17-207. Collection vehicles.
- 17-208. Disposal.
- 17-209. Violations and penalties.

17-201. Refuse defined. Refuse shall mean and include garbage, rubbish and household refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, construction debris, concrete, bricks, hazardous materials as defined by state and federal law, and similar materials are expressly excluded there from and shall not be stored therewith. (as added by Ord. #05-008, Aug. 2005)

17-202. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (as added by Ord. #05-008, Aug. 2005)

17-203. Storage. Each owner, occupant or other person using or occupying any building or other premises, at their expense, within this town where refuse accumulates or is likely to accumulate, for legal disposal of refuse, shall provide an adequate number of covered refuse containers. These refuse containers shall be strong, watertight and rodent proof. (as added by Ord. #05-008, Aug. 2005)

17-204. Location of containers. Where streets or alleys are utilized for private curb-side pickup of refuse, such must be placed so as not to intrude upon the travel portion of a street or alley for pick-up by refuse collectors. Containers must be placed back of the street side, curb, ditch or street line and be so placed there only for regular scheduled pick up by refuse collectors. Within twenty-four (24) hours after such containers have been emptied, they shall be removed by the owner to within or to the side or rear of his or her premises away from the street line, until the next scheduled time for collection. (as added by Ord. #05-008, Aug. 2005)

17-205. 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. (as added by Ord. #05-008, Aug. 2005)

17-206. Collection. All refuse accumulated shall be collected, conveyed and disposed of in a manner so as to create a sanitary condition without an unreasonable risk to health and safety of persons or property. (as added by Ord. #05-008, Aug. 2005)

17-207. Collection vehicles. The collection of refuse shall be by a 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 of the town. Furthermore, all refuse collection vehicles shall be equipped with industry-designed devices that will effectively prevent the scattering of refuse over streets or alleys. (as added by Ord. #05-008, Aug. 2005)

17-208. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at site or sites, as may hereafter be designated for refuse disposal, or by pickup by a private refuse collector, is expressly prohibited. (as added by Ord. #05-008, Aug. 2005)

17-209. Violations and penalties. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #05-008, Aug. 2005)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWER USE AND WASTEWATER TREATMENT.

CHAPTER 1

SEWER USE AND WASTEWATER TREATMENT

SECTION

- 18-101. Purpose and policy.
- 18-102. Definitions.
- 18-103. Connection to public sewers.
- 18-104. Private domestic wastewater disposal.
- 18-105. Regulation of holding tank waste disposal.
- 18-106. Application for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-107. Discharge regulations.
- 18-108. Industrial user monitoring, inspection reports, records access, and safety.
- 18-109. Enforcement and abatement.
- 18-110. Penalties; costs.
- 18-111. Fees and billing.
- 18-112. Design charges for developments served by wastewater treatment facilities.
- 18-113. Privilege fees for those served by the city's wastewater treatment facility.
- 18-114. User rates for those persons utilizing the city's wastewater treatment facilities.
- 18-115. Validity.

18-101. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Kingston Springs, Tennessee, wastewater treatment system. The objectives of this chapter are:

¹Municipal code references

Building, utility and housing codes: title 12.

Engineering review and inspections: title 20, chapter 3.

Refuse disposal: title 17.

Stormwater regulations: title 14, chapter 4.

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the City of Kingston Springs to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Kingston Springs must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. This chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Kingston Springs, Tennessee, and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the Water and Sewer Superintendent of the City of Kingston Springs shall administer, implement, and enforce the provisions of this chapter. (Ord. #85-006, Oct. 1985)

18-102. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (1) "Act or the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.
- (2) "Approval authority" - The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

- (3) "Authorized representative of industrial user" - An authorized representative of an industrial user may be:
- (a) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
 - (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) "Biochemical oxygen demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).
- (5) "Building sewer" - A sewer conveying wastewater from the premises of a user to the POTW.
- (6) "Categorical standards" - The National Categorical Pretreatment Standards or Pretreatment Standard.
- (7) "City" - The City of Kingston Springs or the Board of Commissioners, City of Kingston Springs, Tennessee.
- (8) "Compatible pollutant" - shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.
- (9) "Cooling water" - The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- (10) "Control authority" - The term "control authority" shall refer to the "approval authority," defined hereinabove; or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.
- (11) "Customer" - means any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.
- (12) "Direct discharge" - The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (13) "Domestic wastewater" - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalents or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential purposes only.
- (14) "Environmental Protection Agency, or EPA" - The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(15) "Garbage" - Shall mean solid wastes generated from any domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(16) "Grab sample" - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste" - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(18) "Incompatible pollutant" - shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge" - The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(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 (33 U.S.C. 1342).

(21) "Interference" - The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National categorical pretreatment standard or pretreatment standard" - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NPDES (National Pollution Discharge Elimination System)" - Shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(24) "New source" - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(25) "Person" - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(26) "pH" - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) "Pollution" - The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(28) "Pollutant" - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.

(29) "Pretreatment or treatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited by 40 CFR Section 40.36(d).

(30) "Pretreatment requirements" - Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly owned treatment works (POTW)" - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plants, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city users of the city's POTW.

(32) "POTW treatment plant" - That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" - is mandatory; "May" - is permissive.

(34) "Slug" - Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State" - The State of Tennessee.

(36) "Standard industrial classification (SIC)" - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(37) "Storm water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer" or "storm drain" - Shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(39) "Suspended solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and which is removable by laboratory filtering.

(40) "Superintendent" - The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(41) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(42) "Twenty-four (24) hour flow proportional composite sample" - A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(43) "User" - Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(44) "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Wastewater treatment systems" - Defined the same as POTW.

(46) "Waters of the state" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through or border upon the state or any portion thereof.

(47) "Septic tank" - a horizontal, continuous flow, one-story sedimentation tank through which sewage is allowed to flow slowly to permit the settleable suspended matter to settle to the bottom, where it is retained until anaerobic decomposition is established, resulting in the changing of some of the organic matter into liquid and gaseous substances and of consequent reduction in the quantity of sludge to be disposed of.

(48) "Septic tank effluent" - the overflow of settled wastewater from a septic tank which has received primary treatment and has the biological

characteristics of Biochemical Oxygen Demand (BOD) of less than 140 mg/l and a Suspended Solids (SS) content of less than 100 mg/l.

(49) "Small diameter sewage collection system" - a system of pipes and other appurtenances designed to collect and transport only septic tank effluent for central treatment and disposal. A small diameter sewage collection system is not designed to collect and transport raw wastewater with a high solids content or any other incompatible wastes.

(50) "Septage" - the settled solid matter which accumulates in a septic tank. (Ord. #85-006, Oct. 1985)

18-103. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Kingston Springs, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the City of Kingston Springs, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the primary disposal of sewage, except for a septic tank of the design, manufacture, and construction approved by the City of Kingston Springs.

(d) Except as provided in § 18-103(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities to a septic tank of the design, manufacture, and construction approved by the City of Kingston Springs, and to connect said septic tank directly to the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-103(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-104 of this chapter.

(2) Physical connection public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-106 of this chapter.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be four (4) inches.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Four (4) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of:

(A) concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(B) cast iron soil pipe with leaded or compression joints;

(C) polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(D) ABS compression joints of approved type; or

(E) such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45

degrees. Additional cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(xi) All building sewers shall require the installation of a septic tank of the size, design, manufacture, and construction approved by the City of Kingston Springs to insure compatibility with the small diameter sewage collection system. The tank will have a minimum volume of 1,100 gallons for single family

residences and a minimum volume to be determined by the city for all other structures.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public property from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(h) Upon construction or renovation, all restaurants, cafeterias, hotels, motels, schools, hospitals, garages, and some manufacturing plants shall install a grease trap on kitchen waste lines and other discharge lines carrying oil and grease. All existing restaurants, cafeterias, hotels, motels, schools, hospitals, garages, and manufacturing plants and other commercial food preparation establishments shall be required to construct a grease trap, at the owner's expense upon notification by the superintendent, if and when the superintendent determines that an oil and/or grease problem exists which is capable of causing damage or operational problems to structures or equipment in the public sewer system. The city retains the right to approve installation of the grease trap facility. The grease trap must be designed in accordance with current engineering standards; it shall be tightly sealed and easily accessible to encourage regular maintenance. Grease traps shall be maintained by the owner or operator of the establishment so as to prevent a stoppage of the public sewer. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the superintendent or his authorized representative.

(b) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property.

Maintenance shall include the repair or replacement of a service line as shall be deemed necessary by the superintendent to meet the specifications of the city. The city accepts responsibility of pumping and maintenance of all residential septic tanks but not more than once in a five (5) year period. The

books and records of the superintendent of the wastewater sewer facility shall determine the last pumping of a septic tank to determine the eligibility of such pumping at the cost of the town. Any other pumping required shall be at the expense of the property owner or user. All commercial users, including public or private schools, shall hereafter be responsible for the routine pumping and maintenance of all septic tanks said commercial users bearing the cost for such pumping as shall be determined by the superintendent in order to maintain the building sewers and system as a whole. (Ord. # 85-006, Oct. 1985, as amended by Ord. #92-006, Jul. 1992, and Ord. #06-006, June 2006)

18-104. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-103(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-103, the owner shall provide a private sewage pumping station as provided in § 18-103(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the city and Cheatham 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 Cheatham County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and Cheatham 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 Cheatham 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 Cheatham 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 Cheatham County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee, the city and Cheatham County Health Department. 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 chapter shall be construed to interfere with any additional requirements that may be imposed by the city of and Cheatham County Health Department. (Ord. #85-006, Oct. 1985)

18-105. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the city to be set as specified in § 18-111. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Kingston Springs. (Ord. #85-006, Oct. 1985)

18-106. Application for domestic wastewater discharge and industrial wastewater discharge permits.

(1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-101 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods of compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits.

(a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent, an application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 90 days after the effective date of this chapter, and proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristic, discharge variations -- daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment

and/or equalization facilities and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-107 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall deny the application to the mayor with a

recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on the average and maximum rate and time of discharge or requirements and equalization;

(iv) Requirements for installation and maintenance of inspections and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports or discharge reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(ix) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(x) Requirements for notification of slug discharged;

(xi) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-106(2)(b)(ii) and (iii). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of the chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (Ord. #85-006, Oct. 1985)

18-107. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals,

create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 40 degrees Centigrade (104 degrees Fahrenheit).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty (150) degrees F (0 and 65 degrees Centigrade).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides & Herbicides	0.5	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Surfactants, as MBAS	25.0	50.00
Zinc	3.0	5.0

*Based on 24-hour flow proportional composite samples.

(3) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

<u>Parameter</u>	<u>Maximum Concentration mg/l (24 Hour Flow) Proportional Composite Sample</u>	<u>Maximum Instantaneous Concentration (mg/l) Grab Sample</u>
Aluminum		
dissolved (AL)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron (B)	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt (Co)	0.03	0.06
Cooper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.1	0.2
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	.001	.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	0.3	0.6
Total Kjeldahl		
Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.0	100.00
MBAS	5.00	10.0
BOD	*	
COD	*	
Suspended Solids	*	

*Not to exceed the design capacity of treatment works

BDL = Below Detectable Limits

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations

imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria lists in § 18-107(1) and (2) of this chapter. Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

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 city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of the operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

- (i) interfere with the normal collection and operation of the wastewater treatment system.
- (ii) limit the sludge management alternatives available and increase the cost of providing adequate sludge management.
- (iii) pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharge to violate its in force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under § 18-107(7)(a) and (b). These surcharges shall be applied for that concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (3) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of the complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (i) whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-107(7) and grant an exception only if such exception may be granted within limitations of applicable federal regulations;
- (ii) whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations

promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) the cost of pretreatment of other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(8) Accidental discharges.

(a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulation by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or designated official) by the telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #85-006, Oct. 1985)

18-108. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility,

sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgement of the superintendent, an existing user is notified in writing of the necessity of monitoring facilities, construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the

discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Quality Control, Tennessee Department of Health or the Environmental Protection Agency. This period of retention shall be extended during the course

of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (Ord. #85-006, Oct. 1985)

18-109. Enforcement and abatement. (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender the applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order.

- (3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of commissioners why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of commissioners regarding the violation, the reasons why the action is to be taken, the

proposed enforcement action, and directing the user to show cause before the board of commissioners why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of commissioners may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(i) Issue in the name of the board of commissioners notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the board of commissioners has reviewed the evidence, may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as

are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges or wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city code or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurs, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Kingston Springs shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (Ord. #85-006, Oct. 1985)

18-110. Penalties; costs. (1) Civil penalties. Any user who is found to have violated an order of the board of commissioners who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continues shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both. (Ord. #85-006, Oct. 1985)

18-111. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees, may include, but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the city may deem necessary to carry out the

requirements of this chapter.

(3) Fees for applications for discharge. Upon completion of a customer application and service agreement form requesting to obtain wastewater treatment facilities services from the municipality, the prospective user must pay to the town the sum of thirty dollars (\$30.00). The fee to be paid by a user is an application and service fee and is not a security deposit and is not refundable. If, for any reason, a customer does not take the service by reason of not occupying the premises to be served, or otherwise, said fee shall be forfeited. The receipt of a prospective customer's application for service shall not obligate the city to render the service applied for. If the service applied for cannot be supplied by the municipality, the liability of the municipality to the applicant for such service shall be limited to a refund of any portion of the privilege fees, as applicable in § 18-113. Should a user have a lapse of service for a period of more than thirty (30) days because of non-payment of a billing, said user shall reapply for service, as aforesaid, including payment of another application and service fee.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and

connections to the public sewers. The inspection fee and tapping fee shall be set by the board of commissioners.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users contribution of wastewater loads; each class user being identified as follows:

(i) Class I: Those users whose average biochemical oxygen demand is one hundred forty milligrams per liter (140 mg/l) by weight or less, and whose suspended solids discharge is one hundred milligrams per liter (100 mg/l) by weight or less. This class of users discharge wastewater into the same diameter sewage collection system which has received primary treatment in a septic tank and is therefore deemed compatible with the small diameter collection system.

(ii) Class II: Those users whose average biochemical oxygen demand exceeds one hundred forty milligrams per liter concentration (140 mg/l) by weight and whose suspended solids exceeds one hundred milligrams per liter concentration (100 mg/l). Class II users discharge wastewater into the small diameter sewage collection system which has not received adequate primary treatment in a septic tank or by other means and is therefore deemed incompatible with the small diameter collection system. This class of user is discouraged and in most areas cannot be served by the small diameter collection system without significant additional transportation costs to be borne by the user.

(b) Determination of costs. The board of commissioners shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs. Depreciation of the treatment system shall be included as an expense item in determining user fees. The sewer system revenue (user fees) must be increased to offset operating expenses and avoid annual net income losses.

(i) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where;

- C_i = the Class I total unit cost in \$/1,000 gallons
 T.S.C. = the total operation and maintenance, administration, and debt service determined by yearly budget projections.
 V_t = the total volume of wastewater contribution from all users per year as determined from projections from one city fiscal year to the next.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I users and in addition shall pay surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(iii) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e. filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quality of waste discharge to the public sewer.

(iv) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in § 18-111(5)(a), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time.

(6) Surcharge fees. If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-106 of this chapter.

(8) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city, subject to net and gross rates.

(10) Review of sewer fees. (a) All sewer fees and charges pertaining to the wastewater treatment facility shall be reviewed no less than every other year from and after the date the system becomes operational.

(b) The city shall annually notify all customers of the wastewater treatment facilities that a portion or percentage of the sewer fee charges by the City of Kingston Springs are allocated for the operation and maintenance of the wastewater treatment facilities. (Ord. #85-006, Oct. 1985, as amended by Ord. #88-010, Dec. 1988, Ord. #89-002, Apr. 1989, and Ord. #08-007, Dec. 2008)

18-112. Design charges for developments served by wastewater treatment facilities. (1) Project developers/owners of any proposed development, be it a subdivision, planned unit development or site plan served by the city's wastewater treatment facility, shall be responsible for the payment of all design charges for any particular project, as well as the charges for sewage system plans and drawings, charges for plan review and/or related project site inspections that are incurred by the city's designated consulting engineer and/or his appointed designee. (Ord. #89-004, Jun. 1989)

18-113. Privilege fees for those served by the city's wastewater treatment facility. (1) Those persons, businesses and entities which have not heretofore contractually agreed to connect to the city's wastewater treatment facility or for those persons, businesses or other entities which will hereafter be served and required to connect to the city's wastewater treatment facility shall pay the

following privilege fees to the City of Kingston Springs for the right to connect to the wastewater treatment system:

(a) Residential users, single family dwellings utilizing a singular septic tank shall pay the sum of one dollar (\$1.00) per gallon of the capacity of the tank to be installed, as shall be determined by the superintendent and building official, but not less than the sum of one thousand dollars (\$1,000.00). Any residence having more than three (3) bedrooms shall require a septic tank greater than a one-thousand (1,000) gallon minimum size tank.

(b) All other users, including commercial users, shall pay the sum of two dollars (\$2.00) per gallon of the capacity of the tank to be installed, as shall be determined by the superintendent, but not less than the sum of two thousand dollars (\$2,000.00).

(2) The aforementioned privilege fees represent only the right or privilege extended to connect to said wastewater treatment facility system for each user.

(3) The building inspector for the City of Kingston Springs shall not issue a building permit until such time as the applicant shall evidence a paid receipt(s) for the sewer privilege fee required by this chapter. (Ord. #87-010, Jan. 1988, as amended by Ord. #06-006, June 2006)

18-114. User rates for those persons utilizing the city's wastewater treatment facilities. User rates of the city shall be adopted by resolution.¹

18-115. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Kingston, Springs, Tennessee. (Ord. #85-006, Oct. 1985)

¹Resolutions are of record in the office of the city recorder.

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. GAS.

CHAPTER 1

GAS

SECTION

19-101. To be furnished by Greater Dickson Gas Authority.

19-101. To be furnished by Greater Dickson Gas Authority. Gas shall be provided to the City of Kingston Springs and its inhabitants by the Greater Dickson Gas Authority. The rights, powers, duties, and obligations of the City of Kingston Springs and its inhabitants, are stated in the agreements between the parties.¹

¹For complete details relating to the gas franchise agreement see Ord. #92-003 dated May 1992, and any amendments, in the office of the city recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. FAIR HOUSING ORDINANCE.
2. PUBLIC SAFETY DEPARTMENT.
3. ENGINEERING REVIEW AND INSPECTION.

CHAPTER 1

FAIR HOUSING ORDINANCE

SECTION

- 20-101. Policy.
- 20-102. Definitions.
- 20-103. Unlawful practice.
- 20-104. Discrimination in the sale or rental of housing.
- 20-105. Discrimination in the financing of housing.
- 20-106. Discrimination in the provision of brokerage services.
- 20-107. Exemption.
- 20-108. Administration.
- 20-109. Education and conciliation.
- 20-110. Enforcement.
- 20-111. Investigations; subpoenas; giving of evidence.
- 20-112. Enforcement by private persons.

20-101. Policy. It is the policy of the City of Kingston Springs to provide, within constitutional limitations, for fair housing throughout the city. (Ord. #84-003, Oct. 1984)

20-102. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-104, 20-105, or 20-106. (Ord. #84-003, Oct. 1984)

20-103. Unlawful practice. Subject to the provisions of subsection (2) and § 20-107, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-104 shall apply to:

(1) All dwellings except as exempted by subsection (2) below.

(2) Nothing in § 20-104 shall apply to:

(a) Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bonafide private individual owner does not own any interest in, nor is owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, that the sale or rent of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (i) without the use in any manner of the sales or rental facilities or the sale or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (ii) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-104(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purpose of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) he has within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more

transactions involving the sale or rental of any dwelling or any interest therein, or

(c) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. #84-003, Oct. 1984)

20-104. Discrimination in the sale or rental of housing. As made applicable by § 20-103 and exempted by §§ 20-103(2) and 20-107, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bonafide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(3) To make, print, or publish, or cause to be made, printed, or published any notice statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitations, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of any particular race, color, religion or national origin. (Ord. #84-003, Oct. 1984)

20-105. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making or commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-103(2). (Ord. #84-003, Oct. 1984)

20-106. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin. (Ord. #84-003, Oct. 1984)

20-107. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. #84-003, Oct. 1984)

20-108. Administration. (1) The authority and responsibility for administrating this Act shall be in the Chief Executive Officer of the City of Kingston Springs.

(2) The chief executive officer may delegate any of these functions, duties and powers to employees of the city, or to boards of such employees, including function, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of this chapter and shall cooperate with the chief executive officer to further such purposes. (Ord. #84-003, Oct. 1984)

20-109. Education and conciliation. Immediately after the enactment of this chapter, the chief executive officer shall commence such educational and conciliatory activities as will further the purpose of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. #84-003, Oct. 1984)

20-110. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the chief executive officer decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The chief executive officer will assist in this filing.

(4) If the chief executive officer has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(6) Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #84-003, Oct. 1984)

20-111. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonable necessary for the furtherance of the investigation: Provided, however, that the chief executive officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

(2) Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued by the chief executive officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement or fact in any report, account, record, or other document submitted to the chief executive officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The city attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this chapter. (Ord. #84-003, Oct. 1984)

20-112. Enforcement by private persons. (1) The right granted by §§ 20-103, 20-104, 20-105, and 20-106 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this section or § 20-110(4) from time to time before bringing it to trial or renting dwellings, or

(2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) participating, without discrimination on account of race, color, or religion or national origin, in any of the activities, services, organizations or facilities described in §§ 20-104, 20-105 and 20-106; or

(b) affording another person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in §§ 20-104, 20-105, and 20-106, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. #84-003, Oct. 1984)

CHAPTER 2

PUBLIC SAFETY DEPARTMENT

SECTION

- 20-201. Establishment, equipment, membership.
- 20-202. Duties and objectives.
- 20-203. Organization, rules, and regulations.
- 20-204. Public safety officers subject to chief of public safety's orders.
- 20-205. Public safety officers to wear uniforms and carry proper equipment.
- 20-206. Records and reports.
- 20-207. Tenure and compensation of members.
- 20-208. Chief responsible for training, maintenance and certification.
- 20-209. Chief of public safety to be assistant to state officer.
- 20-210. When public safety officers make arrests.
- 20-211. Disposition of persons arrested.
- 20-212. Citations in lieu of arrest in non-traffic cases.
- 20-213. Summonses in lieu of arrest.

20-201. Establishment, equipment, membership. There is hereby established a Public Safety Department to be supported and equipped from appropriations by the board of commissioners. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The Public Safety Department shall be composed of a chief of public safety and such number of subordinate public safety officers as the city manager shall appoint. (Ord. #93-009, Sept. 1993)

20-202. Duties and objectives. The Public Safety Department and all sworn public safety officers shall have as their duties and objectives:

- (1) To protect persons and property against crime, manmade and natural disasters;
- (2) To prevent fires;
- (3) To suppress fires;
- (4) To prevent crime and preserve law and order within the city limits;
- (5) To provide for environmental protection measures related to public health;
- (6) To provide for pedestrian and vehicular safety through traffic design and enforcement;
- (7) To provide for investigation and prosecution of crimes against people and property;
- (8) To provide for enforcement of city, state and federal laws and assist the courts during the trial of cases and to serve any legal process issued by the courts;

- (9) To provide for structural safety of buildings through code administration, inspection and enforcement;
- (10) To perform such rescue work as its equipment and/or the training of its personnel makes practicable;
- (11) To provide for disaster planning and emergency management; and
- (12) To provide for emergency communications for the city. (Ord. #93-009, Sept. 1993)

20-203. Organization, rules, and regulations. The chief of public safety, under the direction of the city manager, 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 public safety department. (Ord. #93-009, Sept. 1993)

20-204. Public safety officers subject to chief of public safety's orders. All public safety officers shall obey and comply with such orders and administrative rules and regulations as the chief of public safety may officially issue. (Ord. #93-009, Sept. 1993)

20-205. Public safety officers to wear uniforms and carry proper equipment. All public safety officers shall wear such uniform and badge as the board of commissioners shall authorize and shall carry such equipment as required by the chief of public safety and as stipulated in the policies, rules and regulations of the department or required by law to maintain state certification in respective functional areas of public safety. (Ord. #93-009, Sept. 1993)

20-206. Records and reports. The chief of public safety shall assure that adequate records are maintained of all complaints, crimes committed, investigations, fires, inspections, apparatus, equipment, personnel and work of the department. He shall submit such written reports on those matters to the city manager as the city manager requires. The city manager shall submit a report on those matters to the board of commissioners as the board of commissioners requires. (Ord. #93-009, Sept. 1993)

20-207. Tenure and compensation of members. The chief of public safety shall be appointed by the city manager and remain employed by the city so long as his conduct and efficiency are satisfactory to the city manager. However, so that adequate discipline may be maintained, the chief of public safety shall have the authority to suspend any other member of the Public Safety Department when he deems such action to be necessary for the good of the department. All personnel of the Public Safety Department shall receive such compensation for their services as the board of commissioners may from time to time prescribe. (Ord. #93-009, Sept. 1993)

20-208. Chief responsible for training, maintenance and certification. The chief of the public safety department, under the direction of the city manager, shall be fully responsible for the training of public safety officer, other Public Safety Department personnel and for maintenance of all property and equipment of the Public Safety Department. The chief of public safety shall be responsible for assuring that personnel of the public safety department are properly certified by the State of Tennessee in the functional areas consistent with the duties they perform. (Ord. #93-009, Sept. 1993)

20-209. Chief of public safety to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of public safety is designated as an assistant to the State Commissioner of Commerce and Insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in execution of the provisions thereof. (Ord. #93-009, Sept. 1993)

20-210. When public safety officers make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a public safety officer in the following cases:

- (1) Whenever he/she is in possession of a warrant for the arrest of the person.
- (2) Wherever 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. (Ord. #93-009, Sept. 1993)

20-211. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinances shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or if the city court clerk is not available, with the ranking public safety officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending this release by the city judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he/she is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he/she does not pose a danger to himself/herself or to any other person. (Ord. #93-009, Sept. 1993)

20-212. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated, § 7-63-101 et seq., the board of commissioners appoints all public safety officers certified in the respective functional areas as

special officers having the authority to issue citations in lieu of arrests for violations of the fire code adopted in title 7, chapter 2 of the municipal code of ordinances and to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of the municipal code or ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him/her, and state a specific date and place for the offender to appear and answer the charges against him/her. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him/her in accordance with Tennessee Code Annotated, § 7-63-104. (Ord. #93-009, Sept. 1993)

20-213. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201 et seq., which authorizes the board of commissioners to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control etc., the board designates the Public Safety Department and the all public safety officers in the department to issue ordinance summonses in those areas. These enforcement officers, upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control and the like, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him/her, and state a specific date and place for the offender to appear and answer the charges against him/her. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

- (1) Have a summons issued by the clerk of the city court, or
- (2) May use his/her police authority to witness the violation and may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the public safety officer makes an arrest, he/she shall dispose of the person arrested as provide in § 20-211 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (Ord. #93-009, Sept. 1993)

CHAPTER 3

REVIEW AND INSPECTION

SECTION

20-301. Oversight and project site inspection charges.

20-301. Oversight and project site inspection charges. (1) All owners, developers and applicants, individually or by their authorized agents, employees or servants, seeking municipal approval for any proposed development/improvement of land by: subdivision, planned unit development, site plan, special exceptions approved by the board of zoning appeals, use changes, landscape plans, sketch plats, preliminary plats, final plats, construction plans, grading plans, roadway plans, draingage plans, wastewater facility plans, matters requiring the establishment of performance bonding, dedication of easements and facilities/structures associated with any of the foregoing, shall be responsible for the reimbursement to the Town of Kingston Springs for all actual review charges including, but not limited to, engineering review, engineering oversight and project site inspection charges/fees for services incurred by said town by virtue of, and as relate to the foregoing, by the town's designated consulting engineer and/or his appointed designee, city attorney or any other designated consultant rendering services ancillary to the foregoing for and on behalf of the municipality.

(2) All actual charges to be reimbursed to the municipality shall be paid within fifteen (15) days from the date of billing by the municipality. In the event said reimbursed charges are not paid, timely, any permit or approval before given or issued shall become void and default may be declared upon any performance bonding posted with the Town of Kingston Springs.

(3) Notwithstanding all of the foregoing, certain charges shall be paid at the time of submittal or time of application is made to the town or its planning commission as a base minimum, all of which is set forth on Appendix "A" hereto and of which is incorporated by reference herein.¹

(4) This ordinance is not deemed to be a tax, but is to offset actual incurred expenses of the municipality for an owner, developer and applicant seeking development of land and improvement of lands within the municipality. (Ord. #95-001, April 1995, as replaced by Ord. #04-009, Sept. 2004)

¹Appendix A to Ord. #04-009, has been added at the end of this code as Appendix A.

APPENDIX

- A. REVIEW AND INSPECTION (Appendix).
 B. OCCUPATION SAFETY AND HEALTH PROGRAM PLAN.

Appendix A**REVIEW AND INSPECTION (Appendix)****Residential Plats and Construction Drawings:**

Site Plan or Sketch Plat or	\$5.00 per acre* + \$15.00 per lot (\$100 minimum)
Land Inventory Plat	\$5.00 per developed acre* + \$15.00 per new lot (\$100 minimum)
Preliminary Plat (Required for Major Subdiv.)	\$10.00 per acre* + \$20.00 per lot
Final Plat	\$25.00 per acre* + \$50.00 per lot
Revision to Final Plat	\$50.00 per affected lot
Construction Drawings	\$150

*= or fraction thereof

Commercial Plats and Site Plats:

Concept Site Plan	\$100 minimum or \$30 per lot (whichever is greater)
Preliminary Plan	\$300
Final Plat	\$300
Revisions to Final Plat	\$100 per affected lot
Construction Drawings	\$500
Application to Board of Zoning Appeals	\$100
Request for Re-Zoning	\$150
Application to Construction Board of Appeals	\$100
Recording fee to Register of Deeds	\$40 for first sheet (18"x24"), \$20 for each additional sheet. (Submit two mylars and three paper copies)

(Ord. #04-009, Sept. 2004)

APPENDIX B

**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND
HEALTH PROGRAM PLAN FOR THE EMPLOYEES OF
THE TOWN OF KINGSTON SPRINGS, TENNESSEE¹**

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¹Appendix B was added by Ord. #05-001, April 2005 and replaced by Ord. #13-003, April 2013.

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the Town of Kingston Springs, Tennessee.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Town of Kingston Springs, Tennessee in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, 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 Plan, the following definitions apply:

- a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. EMPLOYER means the Town of Kingston Springs, Tennessee and includes each administrative department, board, commission, division, or other agency of the Town of Kingston Springs, Tennessee.
- c. SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY DIRECTOR means the person designated by the establishing resolution, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of Town of Kingston Springs, Tennessee.
- d. INSPECTOR(S) means the individual(s) appointed or designated by the Safety 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 Safety Director of Occupational Safety and Health.

- e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to

shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. ACT or TOSH Act shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, County Mayor, 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 and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.

- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this Program Plan 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 Plan.

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 Plan 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 TOSH Act 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 Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety

- Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety 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 Plan.
 - 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 Safety Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
 - j. Nothing in this or any other provisions of this Program Plan 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 Safety Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Safety 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 Plan.
 - 1. The Safety Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
 - 2. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director.
 - 3. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.

4. The Safety 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 Plan.
 5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Safety 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 Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.
1. The administrative or operational head shall follow the directions of the Safety 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 Safety 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 Safety Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. 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. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE

The Safety 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 Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted 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 and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
 - c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective Program Plan for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental Program Plan 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

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by Tennessee Code Annotated, title 50.

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 Safety 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 Safety 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 Safety 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 of correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Safety Director and/or Compliance Inspector(s):
 1. Arrangements will be made for the Safety Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
 2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926

Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, 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, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, personal hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocution; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. Confined or enclosed space means 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 Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Resolution, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety 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 Safety 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 Safety 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 Safety Director.

2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.
- i. The Safety 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. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 1. The Safety 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 Safety 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 constitute an imminent danger, the Safety 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 or 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 Safety 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 Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety 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 Safety Director and Chief Executive Officer immediately.
 2. The Safety 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 Safety 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 Safety 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 Safety Director

in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety 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 Safety 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 Plan.
- 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 Safety Director pursuant to this plan of operation or the legislation (resolution, or executive order) enabling this Occupational Safety and Health Program Plan 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 Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST

EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, resolution, or executive order, 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 Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, resolution, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, resolution, or executive order, as applicable, is specifically repealed.

Safety Director, Occupational Safety and Health

Date

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN
APPENDIX I -- WORK LOCATIONS

Public Works Dept. - 2 employees
501 Valley Drive
Kingston Springs, TN 37082
615-952-2110

Sewer Department - 1 employee
501 Valley Drive
Kingston Springs, TN 37082
615-952-2110

Parks & Recreation Dept. - 2 employees
396 Spring Street
Kingston Springs, TN 37082
615-952-2110

Public Safety Dept. - 6 employees, 25 +/- volunteer firefighters
396 Spring Street
Kingston Springs, TN 37082
615-952-2110

Administrative Dept. - 4 employees
396 Spring Street
Kingston Springs, TN 37082
615-952-2110

Codes & Building Dept. - 1 employee
396 Spring Street
Kingston Springs, TN 37082
615-952-2110

TOTAL NUMBER OF EMPLOYEES: 14 + volunteers = 39

APPENDIX II - NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE
TOWN OF KINGSTON SPRINGS, TENNESSEE:

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that area 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 Plan 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 Plan may file a petition with the Safety Director or the City Recorder.

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 Plan, 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 or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Board of Commissioners of the Town of Kingston Springs for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the Town of Kingston Springs, Tennessee is available for inspection by any employee at the City Recorder's office at City Hall at 396 Spring Street, during regular office hours.

Mayor

Date

APPENDIX III - PROGRAM PLAN BUDGET

(Either answer questions 1-11 or fill in the statement below)

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 Plan.
11. Contingencies and miscellaneous.

TOTAL ESTIMATED PROGRAM PLAN FUNDING,
ESTIMATE OF TOTAL BUDGET FOR:

OR Use This Statement:

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that (Name of local government) _____ has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

APPENDIX IV -- ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Director as soon as possible, but not later than twenty-four (24) hours after 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 Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety 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 Safety Director and/or record keeper 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 Safety 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 supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the Safety Director and/or record keeper 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 Safety Director and/or record keeper 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 assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

(251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety 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. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from 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.yv
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 4 listed under **PROGRAM PLAN** in Section V. ADMINISTRATION, Part b 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 parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.)

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.