

THE PULASKI MUNICIPAL CODE

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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CITY OF PULASKI, TENNESSEE

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PREFACE¹

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city/town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

¹Whenever in this municipal code of ordinances masculine pronouns are used, the feminine is included.

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

The able assistance of the codes team is gratefully acknowledged: Kelley Myers, Nancy Gibson, and Karen Seay.

Abb Oglesby
Legal Program Manager

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

SECTION 1. All City ordinances shall begin with an enacting clause as follows: "Be it enacted by the Board of Mayor and Aldermen of Pulaski", and shall, at the end of the ordinance, contain the provision:

"This ordinance shall take effect from and after its passage, the public welfare requiring it."

SECTION 2.

(a) The captions of all ordinances shall be read twice in open session of the Board on two (2) different days before being enacted. The budget ordinance shall be read and voted on at two (2) meetings on separate days.

(b) All approved ordinances shall include the dates of each reading.

SECTION 3. All amendments to existing ordinances shall be in the form of new ordinances and shall be adopted in the same manner.

SECTION 4.

(a) An ordinance shall be required to:

(1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes;

(4) Grant or renew a franchise;

(5) Authorize the borrowing of money, except the authorization for the issuance of bonds may be by resolution;

(6) Convey or lease or authorize the conveyance or lease of any lands of the City;

(7) Amend or repeal any ordinance previously adopted;
(8) Regulate the rate charged for its utility services, except that natural gas rates may be adjusted by the purchasing officer to adjust for price changes in the market with a report explaining such rate change to the Board at its next regular scheduled meeting; and

(9) Adopt the annual budget.

(b) All other acts of the Board may be by a motion of the Board, resolution, or ordinance as permitted by law or board rules.

SECTION 5. The board shall provide for codification of the city code on a regular basis, not to exceed ten-year intervals.

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. GOVERNING BODY.
2. MAYOR.
3. RECORDER.
4. DEPARTMENT MANAGERS.
5. PURCHASING AGENT.
6. DIRECTOR OF PUBLIC SAFETY.
7. CITY ADMINISTRATOR.
8. CODE OF ETHICS.
9. DIRECTOR OF FINANCE.

CHAPTER 1

GOVERNING BODY²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Compelling attendance of board meetings.
- 1-103. Order of business.
- 1-104. General rules of order.

1-101. Time and place of regular meetings. The regular meetings of the board of mayor and aldermen shall be held in the city council room located in the Pulaski City Hall on the second (2nd) and fourth (4th) Tuesday of each month at 12:00 P.M. (2000 Code, § 1-101, modified)

¹Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter reference

Board of mayor and aldermen: Art. V.

1-102. Compelling attendance of board meetings. Any member of the board of aldermen and/or the mayor of said city who shall absent himself from any regular or regularly called special meeting of the board of mayor and aldermen for more than three (3) consecutive meetings without any reason therefor, other than illness, shall be subject to be tried before the city judge under charges preferred by the city attorney, as in a misdemeanor case wherein he shall show cause that any such absences were unavoidable, and in the event said absences, or any one (1) of them, are found to be willful and/or avoidable, then any alderman, aldermen, or mayor shall be subject to a fine not to exceed fifty dollars (\$50.00) for any future absences of a like nature at a regular or regularly called special meeting, or shall be subject to impeachment and dismissal under the general law of the State of Tennessee.

Every person seeking the office of alderman or mayor from and after the passage of this section shall sign an agreement provided by the city recorder that he has been apprised of this section and that he agrees to abide thereby. (2000 Code, § 1-102)

1-103. Order of business. At each meeting of the governing body, the following regular order of business shall be observed, unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Approval of minutes of prior meeting.
- (3) Receipt of city administrator and department reports.
- (4) Concerned citizens remarks regarding agenda items.
- (5) Old business.
- (6) New business.
- (7) Adjournment. (2000 Code, § 1-103)

1-104. General rules of order. The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Newly Revised*, shall govern the transaction of business by and before the governing body 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.

It shall be unlawful for any person to interrupt the proceedings of the board or any committee thereof by any noise or disturbance of any kind or by any contemptuous acts, words or conduct.

It shall be unlawful for any person not a member of the board to address the board or to speak before the board without first asking and obtaining permission. (2000 Code, § 1-104)

CHAPTER 2

MAYOR¹

SECTION

- 1-201. Generally supervises municipality's affairs.
- 1-202. Executes city's contracts.
- 1-203. May appoint advisory committees.
- 1-204. Recommendations to board.

1-201. Generally supervises municipality's affairs. The mayor shall have general supervision of all the officers and affairs of the municipality and may require such reports from the various officers and employees of the municipality as he may reasonably deem necessary to carry out his executive responsibilities. (2000 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the governing body. (2000 Code, § 1-202)

1-203. May appoint advisory committees. The mayor may, from time to time, by and with the approval of the board, appoint advisory committees for the purpose of obtaining information and making recommendations to the board. (2000 Code, § 1-203)

1-204. Recommendations to board. The mayor shall, from time to time, recommend to the board such measures as he may deem necessary for the better government of the city. (2000 Code, § 1-204)

¹Charter reference
Mayor: Art. IV.

CHAPTER 3

RECORDER

SECTION

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. To maintain inventory of real estate.
- 1-304. Custody of financial records.
- 1-305. Assistant recorder.

1-301. To be bonded. The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the governing body, before assuming the duties of his office. (2000 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (2000 Code, § 1-302)

1-303. To maintain inventory of real estate. The city recorder shall maintain a current inventory of all real estate belonging to the city. (2000 Code, § 1-304)

1-304. Custody of financial records. The recorder shall have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (2000 Code, § 1-306, modified)

1-305. Assistant recorder. (1) There is hereby created and established the office of assistant city recorder of the City of Pulaski, Tennessee who shall be appointed by the city administrator.

(2) The salary of said officer shall be fixed by the board of mayor and aldermen.

(3) Said officer shall be bonded in the sum of ten thousand dollars (\$10,000.00) with surety acceptable to the board before assuming the duty of said office.

(4) The duties of said officer shall be assigned by the recorder.

(5) The assistant recorder of the City of Pulaski, Tennessee may be assigned additional duties by the city administrator and may hold additional offices at the discretion of the board of mayor and aldermen. (2000 Code, § 1-307, as amended by Ord. #04-2024, April 2024)

CHAPTER 4

DEPARTMENT MANAGERS

SECTION

1-401. Department supervisors.

1-401. Department supervisors. There are hereby created and established the offices of supervisor of the street and sanitary department, supervisor of airport facilities, supervisor of parks and recreation, supervisor of building and codes, supervisor of the water and sewer department, and supervisor of the natural gas department. All such supervisors shall be deemed employees pursuant to the Personnel Rules and Regulations of the City of Pulaski and shall serve under the director of public works. Any vacancies in such supervisor positions shall be filled according to said personnel rules and regulations. The public works director shall recommend to the city administrator the selection and compensation of such personnel. (2000 Code, § 1-401, as amended by Ord. #04-2024, April 2024)

CHAPTER 5

PURCHASING AGENT

SECTION

1-501. Office created; finance director to discharge duties or make appointment.

1-502. Duties.

1-501. Office created; finance director to discharge duties or make appointment. As provided in *Tennessee Code Annotated*, §§ 6-56-301, *et seq.*, the office of purchasing agent is hereby created and the director of finance shall faithfully discharge the duties of said office or appoint an individual to make purchases for the City of Pulaski. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body. (2000 Code, § 1-601, as amended by Ord. #04-2024, April 2024)

1-502. Duties. The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases, and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the city recorder. (2000 Code, § 1-602)

CHAPTER 6

DIRECTOR OF PUBLIC SAFETY

SECTION

- 1-601. Creation of director of public safety position.
- 1-602. Appointment.
- 1-603. Duties.

1-601. Creation of director of public safety position. There is hereby established in the city a position of director of public safety. (2000 Code, § 1-701)

1-602. Appointment. The duties of the director of public safety shall incorporate the management of both the police and fire departments within the city. (2000 Code, § 1-702)

1-603. Duties. It shall be the duty of the director of public safety to coordinate all the efforts of both the city police and fire departments in fulfilling the mandates of both departments as provided by ordinances of this body, the rules and regulations of the State of Tennessee and its statutory duties, and all federal laws and regulations applicable to both agencies. (2000 Code, § 1-703)

CHAPTER 7

CITY ADMINISTRATOR

SECTION

1-701. Office created.

1-702. Appointment.

1-703. Duties.

1-704. To be custodian of city hall.

1-701. Office created. There is hereby created the office of city administrator. (2000 Code, § 1-901)

1-702. Appointment. The city administrator shall be appointed by the board of mayor and aldermen and shall be provided with an employment agreement that spells out the terms of employment, salary, benefits, and procedures for termination. (2000 Code, § 1-902)

1-703. Duties. The city administrator shall perform the following duties, subject to the direction and approval of the board of mayor and aldermen:

(1) Advise the board of mayor and aldermen about the conditions, needs, and recommended improvements of the city;

(2) Make periodic reports to the board of mayor and aldermen concerning the financial condition of the city and needs of the city's facilities and equipment;

(3) To supervise and coordinate all administrative functions of the city;

(4) Establish a priority schedule for projects involving public works;

(5) To serve as personnel director with the authority to promote, demote, employ, and terminate employment consistent with the personnel policies and the city charter;

(6) Approve municipal expenditures only if funds are available for such expenditures; and

(7) Perform other duties as may be required by the city charter or as directed by the board of mayor and aldermen in official session from time to time. (2000 Code, § 1-903, as amended by Ord. #04-2024, April 2024)

1-704. To be custodian of city hall. The city administrator shall be ex-officio custodian of the city hall and it shall be his responsibility to see that the same is maintained in the proper manner. (2000 Code, § 1-303, modified)

CHAPTER 8

CODE OF ETHICS

SECTION

- 1-801. Applicability.
- 1-802. Definition of "personal interest."
- 1-803. Disclosure of personal interest by official with vote.
- 1-804. Disclosure of personal interest in nonvoting matters.
- 1-805. Acceptance of gratuities, etc.
- 1-806. Use of information.
- 1-807. Use of municipal time, facilities, etc.
- 1-808. Use of position or authority.
- 1-809. Outside employment.
- 1-810. Ethics complaints.
- 1-811. Violations and penalty.

1-801. 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 instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (2000 Code, § 4-601)

1-802. Definition of "personal interest." (1) For purposes of §§ 1-803 and 1-804, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (2000 Code, § 4-602)

1-803. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (2000 Code, § 4-603)

1-804. 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. (2000 Code, § 4-604)

1-805. 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. (2000 Code, § 4-605)

1-806. 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. (2000 Code, § 4-606)

1-807. 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. (2000 Code, § 4-607)

1-808. Use of position or authority. 1. An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (2000 Code, § 4-608)

1-809. 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. (2000 Code, § 4-609)

1-810. Ethics complaints. (1) 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 the governing body to 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. (2000 Code, § 4-610)

1-811. Violations and penalty. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the 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. (2000 Code, § 4-611)

CHAPTER 9

DIRECTOR OF FINANCE

SECTION

- 1-901. Office created.
- 1-902. Appointment.
- 1-903. Duties.
- 1-904. Payment of salaries, etc.

1-901. Office created. There is hereby created the office of director of finance. (Ord. #04-2024, April 2024)

1-902. Appointment. The director of finance shall be appointed by the city administrator and confirmed by the board of mayor and aldermen. (Ord. #04-2024, April 2024)

1-903. Duties. The director of finance shall perform the following duties:

- (1) To serve as city purchasing agent.
- (2) To prepare and submit the annual budget and a capital program to the board of mayor and aldermen.
- (3) To perform such other duties as may be required or directed by the city administrator and the board of mayor and aldermen. (Ord. #04-2024, April 2024)

1-904. Payment of salaries, etc. It shall be the duty of the director of finance to pay to each officer and employee of the city such salary as has been prescribed. He shall likewise pay current operating expenses, but otherwise, shall pay out money only upon authorization of the board of mayor and aldermen. (2000 Code, § 1-305, modified)

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. HOUSING CORPORATION OF PULASKI, TENNESSEE.****CHAPTER 1****HOUSING CORPORATION OF PULASKI, TENNESSEE****SECTION**

- 2-101. Establishment and purpose.
- 2-102. Charter and bylaws approved.
- 2-103. Incorporators and member-directors.
- 2-104. Authority and responsibility.
- 2-105. To cooperate with housing authority, etc.

2-101. Establishment and purpose. It is hereby determined to be necessary and proper to authorize the creation of a non-stock, not-for-profit corporation as an instrumentality of the City of Pulaski, Tennessee, to be known as the Housing Corporation of Pulaski, Tennessee, for the purpose of promotion, constructing, and financing safe and affordable housing facilities. (2000 Code, § 2-201)

2-102. Charter and bylaws approved. The proposed charter of incorporation and bylaws of said Pulaski Housing Corporation of Pulaski, Tennessee, are hereby approved. (2000 Code, § 2-202)

2-103. Incorporators and member-directors. The city attorney is hereby authorized and directed to incorporate the Housing Corporation of Pulaski, Tennessee. Seven (7) freeholders of the City of Pulaski shall be appointed by the mayor to serve as the original member-directors of the Pulaski Housing Corporation of Pulaski, Tennessee. Said board shall be comprised of the mayor, an alderman appointed by the mayor, and five (5) citizens of the City of Pulaski. (2000 Code, § 2-203)

2-104. Authority and responsibility. The member-directors of the Housing Corporation of Pulaski, Tennessee, upon the granting of a certificate of incorporation, are authorized and directed to issue, sell, and deliver revenue bonds of said corporation pursuant to *Tennessee Code Annotated*, and the laws of Tennessee, and to enter into contracts for the sale of bonds and construction of housing facilities. (2000 Code, § 2-204)

2-105. To cooperate with housing authority, etc. The providing of low cost housing in and for the City of Pulaski, Tennessee, is a proper public purpose and the city desires to cooperate with the Pulaski Housing Authority and agencies of the federal government to fulfill

such purpose. (2000 Code, § 2-205)

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

CHAPTER 1**CITY JUDGE****SECTION**

- 3-101. City judge.
3-102. Jurisdiction.

3-101. City judge. (1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city judge.

(2) Qualifications. The city judge shall be a minimum of twenty-one (21) years of age, be licensed by the State of Tennessee to practice law, and be a resident of Tennessee.

(3) Judge pro tem. During the absence of the city judge from his duties for any reason or at any time the office of the city judge is vacant, the board of mayor and aldermen may appoint a city judge pro tem to serve until the city judge returns to his duties or the office of city judge is no longer vacant. The city judge pro tem shall have all the qualifications required, and powers, of the city judge. (2000 Code, § 3-101, modified)

3-102. Jurisdiction. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the general penalty provision of this code.

¹Charter references

Appeal: Art. VIII, § 10.

Fines, costs, etc.: Art. VII, § 8.

Jurisdiction: Art. VII, § 5.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of penalties and costs.

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

3-204. Contempt of court.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant. (2000 Code, § 3-201, modified)

3-202. Imposition of fines, penalties, and court costs. (1) All fines and costs shall be imposed by the city judge and recorded by the municipal court clerk on the municipal court docket.

(2) Court costs. In all cases heard and determined by him or her, the city judge shall impose court costs in the amount of one hundred dollars (\$100.00). Two dollars (\$2.00) of the court costs shall be forwarded by the court clerk to the state treasurer in accordance to *Tennessee Code Annotated*, § 16-18-304(a) to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

(3) When any person has been charged with violation of a law regarding vehicle equipment (including but not limited to inoperable headlights, tail lights, brake lights or turn signals), driver licensing, or vehicle licensing and registration, the charge may be dismissed if the person charged with the violation submits evidence of compliance with such law on or before the court date; provided, however, that the city judge may establish a separate court cost not to exceed fifty dollars (\$50.00) to be collected from the person charged with the violation. This separate court costs will be assessed in lieu of the court costs detailed in Section 3-202(2) above.

Two dollars (\$ 2.00) of the court costs shall be forwarded by the court clerk to the state treasurer in accordance with *Tennessee Code Annotated*, § 16-18-304(a) to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

(4) Litigation taxes. In all cases where the defendant is charged with the violation of a city ordinance or authorized state statute and is found guilty, whether by trial or plea of guilty, such defendant shall pay:

(a) The state litigation taxes as defined in *Tennessee Code Annotated*, § 67-4-601.

(b) In addition, pursuant to the authority granted in *Tennessee Code Annotated*, §§ 67-4-601, the City of Pulaski adopts a local litigation tax of thirteen dollars and seventy-five cents (\$13.75) and the court shall levy this local litigation tax in all cases in which the state litigation tax is levied.

(c) Any other taxes and/or fees imposed pursuant to state statutes and/or city ordinances. (2000 Code, § 3-202, modified)

3-203. Disposition and report of penalties and costs. All funds coming into the hands of the city judge in the form of penalties, costs, and forfeitures shall be recorded by him or her and paid over daily to the city. At the end of each month he or she shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all penalties and costs imposed by his or her court during the current month and to date for the current fiscal year. (2000 Code, § 3-203, modified)

3-204. Contempt of court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion. (2000 Code, § 3-204, modified)

CHAPTER 3

SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may, in his discretion, 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 municipal code or 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 (2000 Code, § 3-302, modified)

3-302. 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. (2000 Code, § 3-303, modified)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

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

3-401. Appeals. Any person dissatisfied with any judgment of the city court against him may, within ten (10) days¹ thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality. (2000 Code, § 3-401, modified)

3-402. Bond amounts, conditions, and forms. (1) Appeal bond. An appeal bond in any case shall be two hundred fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal.

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

(a) Files the following oath of poverty:

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

(b) Files an accompanying affidavit of indigency.

The affidavit of indigency must be sworn to by the defendant/appellant and the facts therein may be investigated.

"Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality. (2000 Code, § 3-402, modified)

¹State law reference

Tennessee Code Annotated, § 16-18-307.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL REGULATIONS.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

PERSONNEL REGULATIONS

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.¹ The personnel rules and regulations for the City of Pulaski are adopted herein as if set out verbatim.

¹The Personnel Rules and Regulations for the City of Pulaski, as amended from time to time, are available in the office of the recorder.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-201. Adopted by reference.

4-201. Adopted by reference. The City of Pulaski herein adopts *Tennessee Code Annotated*, title 50, chapter 3, the Occupational Safety and Health Act of 1972, as if set out verbatim herein.

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. GENERAL FUND BALANCE POLICY.
6. PURCHASING.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Fiscal year.

5-101. Fiscal year. The fiscal year for the city shall begin on July 1 of each calendar year and end on June 30 of the next succeeding calendar year. All books and records shall be kept accordingly and the budget and tax rate shall be based upon this fiscal year. (2000 Code, § 5-103)

¹Charter references
Taxation and revenue: Art. XIII.

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-201. When due and payable.¹ Taxes levied by the municipality against real property shall become due and payable annually as provided in art. XIII of the charter. (2000 Code, § 5-201, modified)

5-202. When delinquent--penalty and interest. All unpaid real property taxes shall become delinquent and be subject to penalty and interest in accordance with the provisions of art. XIII of the charter.² (2000 Code, § 5-202)

¹State law references

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

²Charter and state law references

A municipality has the option of collecting delinquent property taxes any one (1) of three (3) ways:

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

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (*Tennessee Code Annotated*, § 67-4-701, *et seq.*) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act.

5-302. 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.

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. 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 (2000 Code, § 5-401)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax in accordance with § 57-6-103. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

Municipal code references

Alcohol and beer regulations: title 8.

Beer privilege tax: § 8-208.

CHAPTER 5

GENERAL FUND BALANCE POLICY

SECTION

- 5-501. Purpose.
- 5-502. Categories.
- 5-503. Nonspendable and restricted funds.
- 5-504. Order of use of restricted and unrestricted funds.
- 5-505. Authority to commit funds.
- 5-506. Stabilization funds.
- 5-507. Authority to assign funds.
- 5-508. Unassigned fund balance.
- 5-509. Governmental fund balances beginning year of implementation.

5-501. Purpose. The fund balance policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The fund balance policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a fund balance policy is for the City of Pulaski to be in a strong fiscal position that will allow for better position to weather negative economic trends. (2000 Code, § 5-501)

5-502. Categories. The fund balance consists of five (5) categories: nonspendable, restricted, committed, assigned, and unassigned.

(1) Nonspendable fund balance consists of funds that cannot be spent due to their form (e.g., inventories and prepaids) or funds that legally or contractually must be maintained intact.

(2) Restricted fund balance consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.

(3) Committed fund balance consists of funds that are set aside for a specific purpose by the city's highest level of decision making authority (council). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.

(4) Assigned fund balance consists of funds that are set aside with the intent to be used for a specific purpose by the city's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.

(5) Unassigned fund balance consists of excess funds that have not be classified in the previous four (4) categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls. (2000 Code, § 5-502)

5-503. Nonspendable and restricted funds. (1) Nonspendable funds are those funds that cannot be spent because they are either:

(a) Not in spendable form (e.g., inventories and prepaids); or

(b) Legally or contractually required to be maintained intact.

It is the responsibility of the finance director to report all nonspendable funds appropriately in the city's financial statements.

(2) Restricted funds are those funds that have constraints placed on their use either:

(a) Externally by creditors, grantors, contributors, or laws or regulations or other governments; or

(b) By law through constitutional provisions or enabling legislation.

(3) It is the responsibility of the finance director to report all restricted funds appropriately in the city's financial statements. All restricted funds must also be reported to the city's governing body within two (2) months of the end of the fiscal year. (2000 Code, § 5-503)

5-504. Order of use of restricted and unrestricted funds. When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first, unless legal requirements disallow it.

When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last. (2000 Code, § 5-504)

5-505. Authority to commit funds. The city's governing body has the authority to set aside funds for a specific purpose. Any funds set aside as committed fund balance require the passage of a resolution by a simple majority vote. The passage of a resolution must take place prior to June 30 of the applicable fiscal year. If the actual amount of the commitment is not available by June 30, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available. (2000 Code, § 5-505)

5-506. Stabilization funds. Maintaining a financial stabilization account is a necessity for sound financial management and fiscal accountability. The city's governing body has the authority to establish a financial stabilization account that will be a committed fund balance. A financial stabilization account is established for the purpose of providing funds for an urgent event that affects

the safety of the general public (e.g., flood, tornado, etc.). The minimum level for the financial stabilization account is two hundred fifty thousand dollars (\$250,000.00). The recognition of an urgent event must be established by the governing body or their designee (e.g., chief administrative officer). If established by the governing body's designee, the specific urgent event must be reported to the governing body at their next meeting. A budget amendment must be approved by the city's governing body. In the event that the balance drops below the established minimum level, the city's governing body will develop a plan to replenish the financial stabilization account balance to the established minimum level within four (4) years. (2000 Code, § 5-506)

5-507. Authority to assign funds. Upon passage of the fund balance policy, authority is given to the city's finance director to assign funds for specific purposes in an amount not to exceed twenty thousand dollars (\$20,000.00) per purpose or in total not to exceed two hundred thousand dollars (\$200,000.00). Any funds set aside as assigned fund balance must be reported to the city's governing body at their next regular meeting and recorded in the minutes. The governing body has the authority to remove or change the assignment of the funds with a simple majority vote.

The city's governing body has the authority to set aside funds for the intended use of a specific purpose. Any funds set aside as assigned fund balance require a simple majority vote and must be recorded in the minutes. The same action is required to change or remove the assignment.

Upon passage of a budget ordinance where fund balance is used as a source to balance the budget, the finance director shall record the amount as assigned fund balance. (2000 Code, § 5-507)

5-508. Unassigned fund balance. Unassigned fund balance is the residual amount of fund balance in the general fund. It represents the resources available for future spending. An appropriate level of unassigned fund balance should be maintained in the general fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned fund balance may be accessed, in the event of unexpected expenditures, up to the minimum established level upon approval of a budget amendment by the city's governing body. In the event of projected revenue shortfalls, it is the responsibility of the finance director to report the projections to the city's governing body on a quarterly basis and shall be recorded in the minutes.

Any budget amendment that will result in the unassigned fund balance dropping below the minimum level will require the approval of two-thirds (2/3) vote of the city's governing body.

The fund balance policy establishes a minimum unassigned fund balance of five hundred thousand dollars (\$500,000.00). In the event that the balance drops below the established minimum level, the city's governing body will

develop a plan to replenish the fund balance to the established minimum level within two (2) years. (2000 Code, § 5-508)

5-509. Governmental fund balances beginning year of implementation. In the initial GASB 54 implementation year, beginning fund balances for all governmental funds, except for the general fund, will be classified as restricted. Beginning fund balance in the general fund will be classified as unassigned. (2000 Code, § 5-509)

CHAPTER 6

PURCHASING

SECTION

5-601. Public advertisement and competitive bidding.

5-601. Public advertisement and competitive bidding. All purchases made by the City of Pulaski shall be preceded by public advertisement and competitive bidding when the dollar amount is over twenty-five thousand dollars (\$25,000.00). At least three (3) written quotations shall be required, whenever possible, for purchases costing less than twenty-five thousand dollars (\$25,000.00) but more than ten thousand dollars (\$10,000.00). Purchases of like items shall be aggregated for purposes of the bid threshold. (2000 Code, § 1-603)

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

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

CHAPTER 1

POLICE DEPARTMENT

SECTION

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

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

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

6-103. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by police officers.
- (3) All police investigations made, processions assisted, convoyed, fire calls answered, and other miscellaneous activities of the police department.
- (4) Any other records required to be kept by the board of mayor and aldermen or by law.

¹Municipal code references

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

"Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004:" title 7, chapter 3, footnote 1.

The police chief shall be responsible for ensuring that the police department complies with the section.

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When police officers to make arrests.

6-202. Disposition of persons arrested.

6-201. When police officers to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has probable cause to believe the person has committed it.

6-202. Disposition of persons arrested. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court of competent jurisdiction.

¹Municipal code reference

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

CHAPTER 3

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

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

6-302. Summonses in lieu of arrest.

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

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

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

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

¹Municipal code reference

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

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

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

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

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

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

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE CODE.
2. FIRE DEPARTMENT.
3. FIREWORKS.

CHAPTER 1

FIRE CODE

SECTION

- 7-101. Fire code adopted.
- 7-102. Modifications.
- 7-103. Open burning.

7-101. Fire code adopted. A certain document, one (1) copy of which is on file in the office of the city recorder, being marked and designated as the *International Fire Code*,² 2021 edition, including appendixes, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Pulaski, in the State of Tennessee, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 7-102. (2000 Code, § 7-201, modified)

7-102. Modifications. The following sections are hereby revised:

- | | |
|----------------|--------------------------------------|
| Section 101.1: | City of Pulaski. |
| Section 109.4: | Insert "misdemeanor." |
| Section 111.4: | Insert \$50.00. (2000 Code, § 7-203) |

¹Municipal code reference

Building, utility and residential codes: title 12.

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

7-103. Open burning. (1) Intent. It is the intent and purpose of this section to protect its citizens from injury arising the open burning hazards and public nuisances; and to reduce the accidental spread of fire for the benefit of the health, safety, general welfare and physical property of the people. The city shall seek the accomplishment of these objectives through the regulation of open burning as adopted and set forth herein.

(2) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(a) "Air curtain destructor or air curtain incinerator" means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain.

(b) "Open burning" means the burning of any materials wherein smoke, ash or embers are emitted into the air without passing through a stack or chimney.

(3) Implementation and enforcement. The regulations set forth herein shall be implemented and enforced by the fire chief, fire department personnel and by such other persons as the city administrator may designate.

(4) Training burns. Training burns may be conducted under the direction of the fire chief or the fire chief's designee; provided that such training burns shall be conducted only when weather or other environmental conditions do not pose a significant health or safety risk to nearby residents, individuals or properties; and provided further that all property owners or tenants located within five hundred feet (500') of the site shall be notified of the training burn at least seven (7) calendar days in advance.

(5) Burning shall not be for disposal purposes. No construction or demolition waste may be burned. All burning shall comply with other federal, state, and local laws, rules and ordinances. The burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles, and other asphalt roofing materials and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provisions of this section. Furthermore, burning for the purpose of disposing of construction or demolition waste or debris not otherwise described herein is expressly prohibited, and such waste or debris shall not be included in any open burning conducted under the provisions of this section.

(6) The following types of burning shall be permitted:

(a) Customary burning of logs and other wood products in residential fireplace.

(b) Burning associated with cooking fuels customarily used in outdoor grills or traditional food cooking devices, i.e., campfires, such burning must be located at least ten feet (10') from any structures.

(c) Outdoor fireplaces, chimineas, concrete or block fire pits; fireplaces and pits must be located at least ten feet (10') from any structures.

(d) Fire celebrating school pep rallies an application for a bonfire permit for a special event must be submitted to the fire chief at least seven (7) calendar days prior to the event, and must identify the location and describe the type of materials to be used in the bonfire. A permit application fee of one hundred dollars (\$100.00) is refundable if fire department is not called for service.

(e) Industrial and/or commercial burning methods specifically and previously approved.

(7) The approved land clearing burning shall not be within, and comply as follows:

(a) One thousand feet (1,000') of a structure owned by another party;

(b) One hundred feet (100') of a property line;

(c) One hundred feet (100') of a power line;

(d) Three hundred feet (300') of a frequently traveled roadway;

(e) Three hundred feet (300') of fuel storage facility or storage facility holding highly flammable materials. "Highly flammable materials" shall be defined as materials having a National Fire Protection Association (NFPA) rating of three ("3") or higher; or near any hazardous material storage facility. "Hazardous materials" shall be defined as materials having a National Fire Protection Association rating of three ("3") or higher;

(f) The burn pile shall not exceed ten feet by ten feet by ten feet (10' x 10' x 10') or one thousand feet (1,000');

(g) Burning shall be conducted only during daylight hours and must be attended at all times until completely extinguished;

(h) Owners of the property or whomever is burning shall be required to contact the Pulaski Fire Department at 931-363-1515 for notification of the date and time of the burning;

(i) Only one (1) pile shall be burned at a time; and

(j) The approved Tennessee permit number shall be available at the burning site for state and local officials upon request. Permits are required from October 15 to May 15 of each calendar year and can be obtained by calling 1-877-350-2876.

(8) The fire chief or his representatives may include additional conditions or requirements as necessary to protect public safety and prevent the creation of a nuisance. If the burning creates a fire hazard, pollution problem or endanger the health, safety or comfort of the general public, the fire chief or his representatives may request that the fire to be extinguished.

(9) Burning shall be done during safe weather conditions. Burning shall not occur during high winds, temperature inversions, air stagnation, or when a pollution alert or ozone action day has been declared.

(10) Firefighting equipment adequate for the size of the fire shall be on site and nearby during times of burning ordinances.

(11) If the burning does not comply with the clearance distances mentioned previously, an air curtain destructor may be used if all other requirements are met and also the following:

(a) The property containing the burn site is of adequate size to accommodate the movement of necessary equipment to move brush and the digging of a pit and placement of an air curtain destructor or air curtain incinerator;

(b) The burning will take place at an adequate distance from any building, roadway, walkway or any other location as may be specified by the fire chief;

(c) The materials to be burned are placed in a pit and an air curtain destructor or air curtain incinerator is used; and

(d) Priming materials used to facilitate such burning are limited to #1 or #2 grade fuel oils.

(12) Responsibility for fire. Any property owner or person who allows the accumulation or existence of combustible material, which constitutes or contributes to a fire found to be in violation of this provision, shall hold responsibility for violation of this section on the basis that said fire was set by vandals, was accidental, or an act of God.

(13) Violations and penalty. Any violation of this provision shall be punishable by a fine not exceeding fifty dollars (\$50.00) for each occurrence. Additionally, should the City of Pulaski incur any expenses in responding to and/or extinguishing any open burning in violation of this provision, an offending party shall be subject to and shall pay restitution to the City of Pulaski in the amount of such expenses incurred. (Ord. #12, 2018, Dec. 2018)

CHAPTER 2

FIRE DEPARTMENT¹

SECTION

- 7-201. Establishment, equipment, and membership.
- 7-202. Objectives.
- 7-203. Organization, rules, and regulations.
- 7-204. Records and reports.
- 7-205. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body. All apparatus, equipment, and supplies shall be purchased by or through the city, and shall be and remain the property of the city. The fire department shall be composed of a chief, who shall serve ex-officio as fire marshal, and such other officers and personnel as required. (2000 Code, § 7-301)

7-202. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (2000 Code, § 7-302)

7-203. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (2000 Code, § 7-303)

7-204. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (2000 Code, § 7-304)

¹Municipal code reference

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

7-205. Chief to be assistant to state officer. Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of 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 fire prevention commissioner in the execution of the provisions thereof.

The chief of the fire department is empowered to issue all appropriate citations and warnings to any person or entity violating the current adopted fire code or any subsequent fire prevention code adopted by the City of Pulaski. (2000 Code, § 7-308)

CHAPTER 3

FIREWORKS

SECTION

7-301. Regulation.

7-302. Exception for city-sponsored events.

7-301. Regulation. The detonation of fireworks and the sale thereof is hereby declared to be unlawful within the corporate limits of the City of Pulaski. The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible and/or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing an explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include model rockets and model rocket engines designed and sold and used for the purpose of propelling recoverable aerial models, and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing not in excess of an average of twenty-five hundredths (0.25) of a grain of explosive content per cap manufactured in accordance with the United States Department of Transportation regulation for packing and shipping of toy, paper or plastic caps are used and toy, paper and/or plastic caps manufactured, as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy, paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. Any violation hereof shall be punishable as are any other misdemeanors described in this code. (2000 Code, § 7-601)

7-302. Exception for city-sponsored events. From time to time, the City of Pulaski desires to sponsor civic events and celebration that may involve professional pyro-technic displays. Section 7-301 of this chapter shall not apply to any discharge or display of fireworks by a licensed professional sponsored by the City of Pulaski, or any other event approved by resolution of the board of mayor and aldermen. (2000 Code, § 7-602)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. WINE IN RETAIL FOOD STORES.

CHAPTER 1

INTOXICATING LIQUORS²

SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Application for certificate.
- 8-103. Applicant to agree to comply with laws.
- 8-104. Applicant to appear before board of mayor and aldermen; duty to give information.
- 8-105. Action on application.
- 8-106. Renewal of certificate.
- 8-107. Applicants for certificate who have criminal record.
- 8-108. Number of retail licenses to be held by retailer.
- 8-109. Where establishments may be located.
- 8-110. Retail stores to be on ground floor; entrances.
- 8-111. Limitation on number of retailers.
- 8-112. Sales for consumption on-premises.
- 8-113. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-114. Inspection fee.
- 8-115. Consumption of alcoholic beverages on-premises.
- 8-116. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-117. Annual privilege tax to be paid to the recorder.

¹Municipal code reference

Minors in beer places, etc.: title 11, chapter 2.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Employee and server permits: *Tennessee Code Annotated*, § 57-3-701, *et seq.*

8-118. Concurrent sales of liquor by the drink and beer.

8-119. Advertisement of alcoholic beverages.

8-120. Violations and penalty.

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

8-102. Application for certificate.¹ Before any certificate, as required by *Tennessee Code Annotated*, § 57-3-208 shall be signed by the mayor, or by any aldermen, a request in writing shall be filed with the recorder, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years residence at applicant's address.
- (3) Whether or not the applicant has been convicted of a felony in the past ten (10) years.²
- (4) The location of the proposed store for the sale of alcoholic beverages.
- (5) The name and address of the owner of the store.
- (6) If the applicant is a partnership, the name, age and address of each partner. If the applicant is a corporation, the name, age and address of the executive officers, or those who will be in control of the package store.

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

8-103. Applicant to agree to comply with laws. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages.

8-104. Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board.

¹State law reference

Tennessee Code Annotated, § 57-3-208.

²State law reference

Tennessee Code Annotated, § 57-3-208 requires the applicant to submit a criminal history background report.

8-105. 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 mayor and aldermen within thirty (30) days of the date each application was filed.

The board of mayor and aldermen may issue a certificate of good moral character to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen.

8-106. Renewal of certificate.¹ A certificate issued under this chapter remains valid unless there is a change of ownership or location. If either of these events occur, a new certificate must be obtained.

8-107. 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.

8-108. Number of retail licenses to be held by retailer.² No retail licensee shall, directly or indirectly, hold more than two (2) retail licenses. In no event shall a retail licensee, directly or indirectly, hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county.

8-109. Where establishments may be located. No license shall be granted the operator of a retail store for the sale of alcoholic beverages, except on-premises zoned "highway service," "general commercial," or "neighborhood service business." However, no license shall be granted for the operation of such retail store to be located on the public square of the City of Pulaski, Tennessee, nor within one (1) full or square block north, east, south, and west of the public square of the City of Pulaski, Tennessee. (2000 Code, § 8-106, modified)

¹State law reference

Tennessee Code Annotated, § 57-3-208.

²State law reference

Tennessee Code Annotated, § 57-3-406.

8-110. 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 (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store 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.¹

8-111. Limitation on number of retailers.² No more than three (3) retail licenses for the sale of alcoholic beverages shall be issued under this chapter.

8-112. Sales for consumption on-premises. No alcoholic beverages shall be sold for consumption on the premises of a retail seller.

8-113. 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.

8-114. Inspection fee. The City of Pulaski hereby imposes an inspection fee in the maximum amount allowed by *Tennessee Code Annotated*, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city.

8-115. Consumption of alcoholic beverages on-premises. *Tennessee Code Annotated*, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Pulaski, Tennessee. It is the intent of the board of mayor and aldermen that the said *Tennessee Code Annotated*, title 57, chapter 4, inclusive, shall be effective in the City of Pulaski, the same as if said code sections were copied herein verbatim.

8-116. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in

¹State law reference
Tennessee Code Annotated, § 57-3-404(f)

²State law reference
Tennessee Code Annotated, § 57-3-208(c).

Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax for the City of Pulaski to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Pulaski of alcoholic beverages for consumption on the premises where sold.

8-117. Annual privilege tax to be paid to the recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Pulaski shall remit annually to the recorder the appropriate tax described in § 8-116. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law.

8-118. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the City of Pulaski, pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall, notwithstanding § 8-215 of the ordinances of the City of Pulaski, qualify to receive a beer permit from the city upon compliance with all beer permit requirements.

8-119. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission.

8-120. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

CHAPTER 2

BEER

SECTION

- 8-201. Beer lawful but subject to regulation.
- 8-202. "Beer" defined.
- 8-203. Beer board established.
- 8-204. Meetings of the beer board.
- 8-205. Record of beer board proceedings to be kept.
- 8-206. Requirement for beer board quorum and action.
- 8-207. Powers and duties of the beer board.
- 8-208. Permit required for engaging in beer business.
- 8-209. Restrictions upon granting permits.
- 8-210. Application for retail permit; requirements as to applicants; regulations to be followed and shown in the application.
- 8-211. Beer permits shall be restrictive.
- 8-212. Permits not transferable.
- 8-213. Duration of permit.
- 8-214. Display of permit.
- 8-215. Interference with public health, safety, and morals prohibited.
- 8-216. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-217. Issuance of permits to hotels, clubs, etc.
- 8-218. Minor, fraudulent evidence of age, etc., misdemeanor.
- 8-219. Investigation of applicant, agent, and/or employees.
- 8-220. Prohibited conduct or activities by beer permit holders.
- 8-221. Suspension and revocation of beer permits.
- 8-222. Employees liable for violations of chapter.
- 8-223. Civil penalty in lieu of revocation or suspension.
- 8-224. Loss of clerk's certification for sale to minor.
- 8-225. Temporary permits.
- 8-226. Violations and penalty.

8-201. Beer lawful but subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of Pulaski, subject to all of the regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations promulgated by public officials or boards. (Ord. #05-2022, March 2022)

8-202. "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 such weight, volume, or alcoholic content as is allowed by *Tennessee Code Annotated*, § 57-5-101. (Ord. #05-2022, March 2022)

8-203. Beer board established. There is hereby established a beer board to be composed of all of the members of the governing body. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (Ord. #05-2022, March 2022)

8-204. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings following each regular meeting of the governing body at the city hall whenever there is business to come before the beer board. A special meeting of the beer board may be called by its chairman provided he gives a reasonable notice thereof and the board may adjourn a meeting at any time to another time and place. (Ord. #05-2022, March 2022)

8-205. Record of beer board proceedings to be kept. The administrator shall make a separate 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 provision of each beer permit issued by the board. The administrator shall also maintain an up to date list of the names and addresses of all beer permit holders. (Ord. #05-2022, March 2022)

8-206. Requirement 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. (Ord. #05-2022, March 2022)

8-207. Powers and duties of the beer board. The board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing (micro-breweries) of beer within this municipality in accordance with the provisions of this chapter. Manufacturers such as micro-breweries shall be subject to all health department regulations regarding the handling of ingredients and products for human consumption and be registered as a "manufacturer" or "wholesale distributor" according to *Tennessee Code Annotated*, § 57-5-102. (Ord. #05-2022, March 2022)

8-208. Permit required for engaging in beer business. (1) No person shall engage in the storing, selling, distributing, or manufacturing of beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or other beverages of like alcoholic content, within the corporate limits of the City of Pulaski, until he shall receive a permit to do so from the beer board of the City of Pulaski, which permit shall at all times be subject to all of the limitations and restrictions herein provided, and provided further that the applicant shall certify that he has read and is familiar with the provisions of this chapter.

(2) **Wholesalers.** There is hereby imposed an annual privilege tax of one hundred dollars (\$100.00) on all persons storing, selling, or distributing beer at wholesale under the authority of *Tennessee Code Annotated*, § 57-5-104. (Ord. #05-2022, March 2022)

8-209. Restrictions upon granting permits. (1) No permit shall be issued to sell any beverage coming within the provisions of this section:

(a) In violation of any provision of the state law.

(b) In violation of the zoning ordinance of the City of Pulaski.

(2) The judgment of the beer board on such matters shall be final except as same is subject to review at law under *Tennessee Code Annotated*, § 57-5-105. (Ord. #05-2022, March 2022)

8-210. Application for retail permit: requirements as to applicants; regulations to be followed and shown in the application.

(1) Each application for a beer permit shall reflect:

(a) The name of the applicant.

(b) The location of the premises at which the business shall be conducted.

(c) The owner or owners of such premises.

(d) The names and addresses of all other persons or firms who have any financial interests whatsoever in the beer business proposed to be established.

(e) Whether the applicant will operate the business in person or by agent and if by agent, the name and address of such agent.

(f) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.

(g) That no sale of such beverages will be made except in accordance with the permit granted.

(h) That if the application is for a permit to sell "not for consumption on the premises" that no sale will be made for consumption on the premises; that no consumption will be allowed on the premises thereof.

(2) The applicant must secure a certificate of compliance or a statement from the health department or health officer that the premises which the application covers meets the requirements of § 8-223 subsection (15) of this chapter in regard to sanitary restroom facilities.

(3) The application shall be submitted to the city administrator at least fifteen (15) days prior to the beer board meeting at which it is to be considered. The administrator shall, within five (5) days after receipt of an application, notify each member of the beer board of such application.

(4) No permit shall be issued by the beer board until the application therefor shall have been subscribed to and approved in writing by the city attorney. However, the city attorney is only authorized to disapprove applications when there is a failure to comply with a city ordinance or state law governing the issuance of permits.

(5) The City of Pulaski, prior to its consideration of an application to engage in the sale of beer under this section for consumption for on or off premises, shall collect an application fee of two hundred fifty dollars (\$250.00) for use in offsetting the expenses of investigating the applicant. Regardless of whether an application is approved or denied, any portion of the fee collected in excess of that actually used in investigation shall become the property of the City of Pulaski at the end of each calendar year, to be used at the discretion of the governing body, and the city shall not require periodic renewal of beer permits or licenses in conformity with *Tennessee Code Annotated*, § 57-5-103.

(6) Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00) according to *Tennessee Code Annotated*, § 57-5-104. Any firm, persons, corporation, joint stock companies, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax annually on January 1, to the City of Pulaski, 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 pro-rated basis for each month or portion thereof remaining until the next tax payment date.

(7) Penalty for failure to pay tax. The city shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the permit holder on his permit application. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice that the tax was mailed, whichever is later, then the city shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten (10) days after receiving notice of delinquency by certified mail, then the permit shall be void. (Ord. #05-2022, March 2022)

8-211. 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. 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 is understood that any permit for the sale of on-premises consumption has the right to sell beer for off-premises consumption, but that any permit for the sale of beer for off-premises consumption may not sell beer for on-premises consumption. (Ord. #05-2022, March 2022)

8-212. Permits not transferable. Beer permits shall not be transferable from one person to another or from one location to another. However, a current beer permit holder may apply to the beer board for a special event permit for an event that is open to the public. The maximum number of days and hours covered by the permit will be determined by the beer board. The maximum number of days for the event shall not exceed three (3) consecutive days and no more than twelve (12) special event permits may be issued to any beer permit holder within a one (1) calendar year time period.

No special event permit authorizing the sale of beer will be issued when such sales would cause congestion of traffic; would violate the existing ordinances as to schools, churches, public parks, or other places of public gathering; or would otherwise interfere with the public health, safety or morals. (Ord. #05-2022, March 2022)

8-213. Duration of permit. Permits issued under the provisions of this chapter shall be issued until revoked or suspended, by change of location, sale of business, or otherwise goes out of business at the same location.

Nothing herein shall prevent a nonresident owner from presenting an application and having the same considered, so long as there is a responsible resident manager, and so long as the other provisions of the law are complied with.

It is the legislative intent of this amendment to provide that, and to comply with, the new state law that new managers of chain-type restaurants or grocery stores not be required to have a new permit and a new inspection fee each time that a manager is replaced. The same rules would apply to a resident owner who employs a qualified and responsible resident manager, so long as the other provisions of the state law and this chapter are complied with. (Ord. #05-2022, March 2022)

8-214. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses, and stamps as required by law. (Ord. #05-2022, March 2022)

8-215. Interference with public health, safety, and morals prohibited. (1) No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals.

No permit authorizing the sale of beer will be issued for any place of business located on the public square of Pulaski, or within an area of one (1) city block on all sides thereof, unless the applicant for such permit either:

- (1) Is a nonprofit entity,
- (2) Is an event center with a business license issued by the city authorizing the business to host public events, or
- (3) Operates a restaurant meeting the following criteria:
 - (a) Having adequate and sanitary kitchen and dining equipment and a seating capacity for at least fifty (50) persons at tables,
 - (b) Serving one (1) meal a day at least five (5) days a week with exception of holidays and the serving of meals shall be the principal business conducted,
 - (c) Deriving at least fifty percent (50%) of its gross revenue from food sales,
 - (d) No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property nor in the window of the permit holder, and
 - (e) On or before January 1 of each year, the permit holder shall furnish the City Administrator of the City of Pulaski a certified breakdown of all revenue derived from the sale of food, the sale of beer, and the sale of alcoholic beverages, respectively. Notwithstanding the foregoing, the Board of Mayor and Aldermen may demand such receipts be furnished to the City Administrator more frequently.

(2) Prior to the issuance of such permit by the beer board any applicant for a beer permit under this section shall submit to an initial inspection by the city of the premises upon which the applicant is to operate in order to confirm compliance with all provisions of the Municipal Code of the City of Pulaski, the current building code, and all ordinances of the City of Pulaski. So long as a permit is valid, the holder thereof shall be subject to random periodic inspections by the city to confirm continued compliance with such codes and ordinances. A violation thereof will subject the permit holder to review of permit with possible fine, citation or revocation of the beer permit by the beer board.

(3) No permit authorizing the sale of beer for "on-premises consumption" or "off-premises consumption" will be issued for any place of business where the building is located within two hundred feet (200') of any public playground or building housing any church or school. Said two hundred foot (200') limitation shall be calculated and measured from the nearest point of the building where the owner or lessee is seeking a beer permit to the nearest

point in the building on a place where the church building is located or the school, or in the case of a public playground, from the nearest point of the building where the owner or lessee is seeking a beer permit to the nearest point of the property line of said playground.

(4) The two hundred foot (200') distance limitation shall not apply to businesses who meet the qualifications to obtain, and in fact are issued, a liquor by the drink permit from the Alcoholic Beverage Commission of the State of Tennessee, and the City of Pulaski shall grant a retail beer permit to those businesses who so qualify and obtain a permit to sell liquor by the drink. Furthermore, the two hundred foot (200') distance limitation shall not apply to existing businesses. Provided, however, if any permit holder goes out of business for any reason and his place is closed for as much as ninety (90) days before a new purchaser takes over, then no new permit may issue to the subsequent purchaser. If a subsequent purchaser elects during that ninety (90) day period to make application for a retail beer permit, the fifteen (15) day waiting period provided for in this chapter will not be counted against him.

(5) "Public playground" shall be defined as property owned by the City of Pulaski or the County of Giles upon which playground equipment or athletic facilities are located. The two hundred foot (200') distance requirement prohibition shall not apply to an off-premises consumption permit for a retail grocery store operating in a facility of at least five thousand (5,000) square feet of retail floor space and generating at least fifty percent (50%) of its gross revenue from the sale of grocery items other than beer. Retail floor space does not include walk-in coolers, kitchen, bathroom, etc. Notwithstanding the foregoing, a retail grocery store holding an off-premises consumption beer permit shall conduct its business in a manner so as to avoid congestion of traffic or interference with schools, churches, or places of public gathering, nor have an adverse effect on public health, safety and morals.

(6) A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are owned and operated by the business. The distance should measure from the edge of the patio, deck, or outside serving area. (Ord. #05-2022, March 2022, modified)

8-216. Issuance of permits to persons convicted of certain crimes prohibited. (1) No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating beverages or any crime involving moral turpitude within the past ten (10) years. It shall be the sole responsibility of the permit applicant to prove to the satisfaction of the beer board that said applicant has not been convicted of the aforesaid offenses within the past ten (10) years.

(2) Permit holders who are convicted of any of the aforesaid offenses after having been issued a beer permit shall be obligated to report said conviction to the beer board. A hearing before the beer board shall be convened,

at the beer board's discretion, to determine the effect such a conviction shall have on the status of the permit holder's permit. A conviction under this section shall constitute grounds for the immediate revocation of convicted permit holder's beer permit, *Tennessee Code Annotated*, § 57-5-103 section (e). (Ord. #05-2022, March 2022)

8-217. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provisions of this chapter, to hotels, motels, clubs, and lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter. (Ord. #05-2022, March 2022)

8-218. Minor, fraudulent evidence of age, etc., misdemeanor. It shall be unlawful for any minor to purchase, attempt to purchase, or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a minor. It shall be unlawful for any minor present to offer to any permittee, his agent, or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any minor who acts in violation of any one (1) or more of the provisions of this section shall be taken before the juvenile judge for appropriate disposition. (Ord. #05-2022, March 2022)

8-219. Investigation of applicant, agent, and/or employees. Applicants for retail permits under this section are subject to be investigated by municipal, county, and state authorities. (Ord. #05-2022, March 2022)

8-220. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder, employee or any other person employed in the sale of beer to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating beverages, or any crime involving moral turpitude within the past ten (10) years unless such person is currently certified as a responsible vendor with the Tennessee Alcoholic Beverage Commission pursuant to the "Tennessee Responsible Vendor Act of 2006," *Tennessee Code Annotated*, § 57-5-601, *et seq.*

(2) Employ any minor under eighteen (18) years of age in the sale, service, or dispensing of beer at retail except in grocery stores where sales are made for off-premises consumption.

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M., during any day of the week or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.

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

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

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

(7) Serve, sell or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee unless the permit holder is properly licensed to do so by the Tennessee Alcoholic Beverage Commission.

(8) Definitions. (a) "Beer permit holder." Any person, partnership, or corporation who holds a permit from the City of Pulaski for the sale of beer or other beverage of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee.

(b) "Licensee." A person, partnership or corporation who holds a beer permit issued by the City of Pulaski.

(c) "Live performances." Shall be deemed for the purpose of this chapter to mean any person who for consideration, monetary or otherwise, performs in person on a licensed premises as a singer, musician, dancer, comedian or model.

(9) Live performances -- nudity prohibited. No live performances are permitted on a licensed premises which involve the removal of clothing, garments or any other costumes. Such prohibition does not include the removal of head wear or footwear; sweater or similar outer garments. Incidental removal for purposes of this section shall mean the removal of a garment or article of clothing which is not a part of the act or performance. The restriction applies to all licensed premises.

(10) Entertainment restricted. No entertainment on a licensed premises shall contain:

(a) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation of any sexual acts which are prohibited by law;

(b) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;

(c) The actual or simulated display of the pubic hair, anus, vulva or genitals; or the nipples of a female.

(11) Nudity prohibited. It shall be unlawful for any licensee, employee, agent of licensee, patron or guest of licensee to:

(a) Appear with his or her genitals or pubic region less than completely covered by an opaque substance or material;

(b) Appear with his or her buttocks less than completely covered by an opaque substance or material; or

(c) Any female to appear with either or both of her breasts less than completely covered by an opaque substance or materials below the uppermost or highest part of the areola.

(12) Films and pictures restrictions. It shall be unlawful for any licensee, any employee, or agent to permit or allow the showing of film, still pictures, electronic reproductions, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(b) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;

(c) Scenes wherein a person displays the vulva, anus, or genitals; or

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above in (a) through (c).

(13) License revoked or suspended. Any licensee violating these sections shall have its license revoked or suspended as provided by this chapter.

(14) Penalty. Any licensee, employee, agent, or person violating these sections shall be guilty of a misdemeanor and punished in accordance with the penalty clause of the Municipal Code of the City of Pulaski.

(15) Fail to provide and maintain separate sanitary toilet facilities for men and women or at least two separate single use, uni-sex or gender neutral toilet facilities marked accordingly and prominently. (Ord. #05-2022, March 2022)

8-221. Suspension and revocation of beer permit. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

Pursuant to *Tennessee Code Annotated*, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of *Tennessee Code Annotated*, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor.

"Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under *Tennessee Code Annotated*, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the

second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board, and the board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked.

Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated the provisions of the state beer act or any of the provisions of this chapter, the board is authorized to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the City of Pulaski. The notice shall be served upon the permittee at least five (5) days before the date of the hearing.

At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject to review by the courts as provided in the state beer act, *Tennessee Code Annotated*, § 57-5-105. (Ord. #05-2022, March 2022)

8-222. Employees liable for violations of chapter. Any employee of any permittee who violates the provisions of this chapter or any provision of the state beer act while so employed by such permittee shall be guilty of a misdemeanor. (Ord. #05-2022, March 2022)

8-223. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," *Tennessee Code Annotated*, § 57-5-601, *et seq.*

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting

to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (Ord. #05-2022, March 2022)

8-224. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under *Tennessee Code Annotated*, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #05-2022, March 2022)

8-225. Temporary permits. Temporary beer permits may be issued to nonprofit applicants and Event Centers at the request of an applicant upon the same terms and conditions governing permanent permits and in conjunction with a lawfully issued parade permit from the City of Pulaski. Special Event temporary permits shall be issued as single event permit as covered in § 8-212 of this code.

If the events covered by a temporary permit will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the temporary permit application.

Notwithstanding, § 8-216 of the Pulaski Municipal Code, the beer board is authorized to place any and all restrictions it deems necessary on temporary permits, including but not limited to restricted hours of sale and limitations on the number of sale locations/stations or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. The following provisions shall also apply to temporary permit holders:

(1) A temporary permit holder shall be prohibited from making or allowing any sale of beer between the hours of 3:00 A.M. and 6:00 A.M., during any day of the week or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday, pursuant to § 8-220(3) of this chapter.

(2) Temporary permits may be issued to applicants who intend to operate in a place that is temporary in nature.

(3) A temporary permit holder shall not be subject to the annual privilege tax or application fee of § 8-210 of the municipal code. There is hereby imposed an application fee of two hundred fifty dollars (\$250.00) for applying for

a temporary permit and all other provisions of § 8-210 governing the issuance of a permit shall apply.

(4) The application for a temporary beer permit shall set forth the following information:

(a) The name, address, and telephone number of the chairperson of the charitable or nonprofit organization seeking a temporary beer permit;

(b) The name, address, and telephone number of the person responsible for beer sales under the permit;

(c) The date and time when the event will be held;

(d) The hours which beer sales will be conducted during the event; and

(e) The proposed location for beer sales. (Ord. #05-2022, March 2022)

8-226. Violations and penalty. Except as provided in § 8-218, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

CHAPTER 3

WINE IN RETAIL FOOD STORES

SECTION

8-301. Inspection fee on retail food store wine licensees.

8-302. Application for certificate.

8-301. Inspection fee on retail food store wine licensees. Pursuant to the authority contained in *Tennessee Code Annotated*, § 57-3-501 *et seq.*, there is hereby imposed an inspection fee on retail food store wine licensees. The inspection fee shall be five percent (5%) of the wholesale price of alcoholic beverages as defined in *Tennessee Code Annotated*, § 57-3-101(a)(1)(A) supplied by a wholesaler to a retail food store wine licensee.

8-302. Application for certificate. (1) Before any certificate, as required by *Tennessee Code Annotated*, § 57-3-806, shall be signed by the mayor, or by any aldermen, a request in writing shall be filed with the recorder giving the following information:

- (a) Name, age and address of each applicant who is to be in actual charge of the business.
- (b) Number of years residence at each applicant's address.
- (c) Whether or not the applicant has been convicted of a felony in the past ten (10) years.
- (d) The location of the proposed store for the sale of alcoholic beverages.
- (e) The name and address of the owner of the store.
- (f) If the applicant is a partnership, the name, age and address of each partner and whether or not the partner has been convicted of a felony in the past ten (10) years. If the applicant is a corporation, the name, age and address of the executive officers, or those who will be in control of the package store, and whether or not the executive officer or those in charge have been convicted of a felony in the past ten (10) years.

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

(2) In order for the municipality to complete the certificate that must state that the applicant, applicants, partners, and owners have not been convicted of a felony within a ten (10) year period immediately preceding the date of application, each applicant, owner, and partner shall provide with the application a copy of the local and national criminal history record obtained by a third party using a multistate criminal records locator or other similar

commercial nationwide database with validation that is required pursuant to *Tennessee Code Annotated*, § 57-3-806.

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.
3. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.¹

SECTION

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.
- 9-110. Violations and penalty.

9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

¹Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-501.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization. No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Giles County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor¹" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those

¹State law references

Tennessee Code Annotated, § 62-30-101, *et seq.* contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from *Tennessee Code Annotated*, § 62-30-101(3). Note also that *Tennessee Code Annotated*, § 67-4-710(2) prescribes that transient vendors shall pay a tax of \$50.00 in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in *Tennessee Code Annotated*, § 67-4-709.

premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business.

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor or solicitor, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

9-104. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the recorder by each applicant for a permit as a peddler, transient vendor or solicitor, and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee state sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor or solicitor shall submit with his application a nonrefundable fee of fifty dollars (\$50.00), a clerk fee of one dollar (\$1.00), and an investigative fee of five dollars (\$5.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the recorder, the recorder shall submit to the chief of police a copy of the application form and the permit. (Modified)

9-105. Restrictions on peddlers and solicitors. No peddler, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

9-106. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

9-107. Display of permit. Each peddler, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

9-108. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall

be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-110. Violations and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

CHAPTER 2

YARD SALES

SECTION

- 9-201. Definitions.
- 9-202. Property permitted to be sold.
- 9-203. Yard sale conditions.
- 9-204. Display of sale property.
- 9-205. Persons exempted from chapter.
- 9-206. Violations and penalty.

9-201. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

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

(2) "Yard sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance¹, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

9-202. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property.

9-203. Yard sale conditions. No more than three (3) yard sales at at single residential location (household) in any calendar year. A nonresidential location (like a business or public place) can host no more than six (6) yard sales in any calendar year. (Modified)

¹Municipal code reference

Zoning ordinance: title 14, chapter 2.

9-204. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard.

9-205. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

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

9-206. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to a penalty under the general penalty provision of this code.

CHAPTER 3

ADULT-ORIENTED ESTABLISHMENTS¹

SECTION

- 9-301. Purpose.
- 9-302. Definitions.
- 9-303. License required.
- 9-304. Application for license.
- 9-305. Standards for issuance of license.
- 9-306. Permit required.
- 9-307. Application for permit.
- 9-308. Standards for issuance of permit.
- 9-309. Fees.
- 9-310. Display of license or permit.
- 9-311. Renewal of license or permit.
- 9-312. Revocation of license or permit.
- 9-313. Hours of operation.
- 9-314. Prohibitions and unlawful sexual acts.
- 9-315. Violations and penalty.

9-301. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. It is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market.

9-302. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

- (1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or

¹State law references

Tennessee Code Annotated, §§ 7-51-1101--7-51-1122 and
7-51-1401--7-51-1407

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

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

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

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

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

Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board of Mayor and Aldermen" means the Board of Mayor and Aldermen of the City of Pulaski, Tennessee.

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

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

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

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

(11) "Specified sexual activities" means:

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

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

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

(12) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

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

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

9-303. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Pulaski without first obtaining a license to operate issued by the City of Pulaski.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

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

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

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

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

9-304. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the City of Pulaski. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the recorder and to the applicant.

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

(a) Name and addresses, including all aliases.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board

of mayor and aldermen at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the board of mayor and aldermen and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Giles County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

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

9-305. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

- (a) If the applicant is an individual:
 - (i) The applicant shall be at least eighteen (18) years of age.
 - (ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
 - (iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.
- (b) If the applicant is a corporation:
 - (i) All officers, directors and stockholders required to be named under § 9-303 shall be at least eighteen (18) years of age.
 - (ii) No officer, director or stockholder required to be named under § 9-303 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.
- (c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

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

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

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

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

9-306. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief.

9-307. Application for permit. (1) Any person desiring to secure an permit as an employee or entertainer shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

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

(a) Name and address, including all aliases.

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

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

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

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

(f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason

therefor, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

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

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

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

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

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

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

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

9-308. Standards for issuance of permit. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

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

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

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

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

9-309. Fees. (1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

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

9-310. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

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

9-311. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

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

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

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make

application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

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

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

9-312. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9-313. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Monday through Saturday, and between the hours of 1:00 A.M. and 12:00 P.M. on Sunday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Pulaski Police Department, the Giles County Sheriff's Department, or such other persons as the board of mayor and aldermen may designate.

9-314. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

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

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

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

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

9-315. Violations and penalty. (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

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

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

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

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

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

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

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

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

¹Wherever this title mentions dogs it pertains to dogs and cats.

10-104. Storage of food. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

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

10-106. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed.

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

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

CHAPTER 2

DOGS AND CATS

SECTION

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

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

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

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

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

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

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

¹State law reference

Tennessee Code Annotated, § 68-8-107.

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

(b) "Vicious dog" means:

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

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

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

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

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

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

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

(4) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

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

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

(7) Penalties. Whoever violates any provision of this section shall be guilty of a gross misdemeanor and may be punished by a fine of not less than

ten dollars (\$10.00) and not more than fifty dollars (\$50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt.

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

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

10-207. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.¹

10-208. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

¹State law reference

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

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. TRESPASSING AND INTERFERENCE WITH TRAFFIC.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking alcoholic beverages in public, etc.
- 11-102. Visible possession of unsealed containers on streets, etc., prohibited.
- 11-103. Violations and penalty.

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place, unless the place has an appropriate permit and/or license for on premises consumption of such beverage. However, in the event a special event permit is issued under § 8-212 of the Pulaski municipal code, as part of, or in connections with, a parade permit application, then a person may be entitled to drink or consume, or have an open container of beer in any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place, which has been designated as part of the parade. (Modified)

11-102. Visible possession of unsealed containers on streets, etc., prohibited. Visible possession of alcoholic beverages in unsealed containers

¹Municipal code references

Animal control: title 10.

Fireworks and explosives: title 7.

Residential 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.

upon any public street or within any governmental building or on other governmental property shall be a violation of this chapter. (2000 Code, § 8-120)

11-103. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Anti-noise regulations.

11-202. Violations and penalty.

11-201. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

(c) 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.

(d) 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.

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

(f) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any

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

(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.

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

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

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

(c) Amplifiers and loudspeakers may be used; however, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.

11-202. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 3

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-301. Trespassing.

11-302. Interference with traffic.

11-303. Violations and penalty.

11-301. Trespassing. (1) On premises open to the public.

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

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

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

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

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

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.¹

11-302. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

11-303. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. FUEL GAS CODE.
4. ENERGY CONSERVATION CODE.
5. PROPERTY MAINTENANCE CODE.
6. RESIDENTIAL CODE.
7. MECHANICAL CODE.
8. ANSI A117.1 ADOPTED.
9. PROPERTY MAINTENANCE CODES BOARD.
10. SHORT-TERM RESIDENTIAL RENTAL UNITS.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*,² 2021 edition, including all Appendix Chapters and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated

¹Municipal code references

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

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

by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the building code.

12-102. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "building official" are used in the building code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the building code.

(2) Remove Chapter 11 Accessibility

(3) The requirements of Section 432 Storm Shelters shall not be required.

(4) Section 903.3.1.2 NFPA 13R sprinkler systems shall be replaced with the following:

Automatic sprinkler systems in Group R occupancies may be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

- (i) Four stories or less above grade plane.
- (ii) For occupancies other than Group R-2, the floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access.

For Group R-2 occupancies, the roof assembly is less than 45 feet (13716 mm) above the lowest level of fire department vehicle access. The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance.

- (iii) The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the International Building Code shall be measured from grade plane.

- (5) For Group E occupancies in all jurisdictions in Tennessee, local education agencies, public charter schools, and non-public schools may allow classroom doors to be locked to prevent unwanted entry provided that the locking means meets the requirements in the

National Fire Protection Association (NFPA) (2021) Section 15.2.2.2.4.1.

- (6) For college and university instructional buildings in all jurisdictions in Tennessee, college and university administrators may allow classroom doors to be locked to prevent unwanted entry provided that the locking means meets the requirements in the NFPA (2021) Section 39.2.2.2.2.
- (7) Dwellings licensed by the Department of Human Services (DHS) as Family Home Daycares shall use Appendix AM of the 2021 International Residential Code.
- (8) Where ASCE 7-16 is referenced for seismic design or mapped ground accelerations, ASCE 7-22 mapped ground accelerations may be used to determine the S1 and Ss values.
- (9) The requirements for flammable gas shall be those found in the International Building Code (IBC), 2024 edition, published by the International Code Council (ICC), and shall include the following:
 - (i) For Chapter 2, the definition for Flammable Gas shall be replaced with the definition found in the 2024 International Building Code.
 - (ii) For flammable gases, Table 307.1(1) shall be replaced with Table 307.1(1) of the 2024 International Building Code.
 - (iii) For flammable gases, Section 307.4 High-Hazard Group H-2 shall be replaced with Section 307.4 High-Hazard Group H-2 of the 2024 International Building Code.
 - (iv) For flammable gases, Section 307.5 High-Hazard Group H-3 shall be replaced with Section 307.5 High-Hazard Group H-3 of the 2024 International Building Code.
 - (v) For flammable gases, Section 414.2.5 shall be replaced with Section 414.2.5 of the 2024 International Building Code.
 - (vi) For flammable gases, Table 414.5.1 shall be replaced with Table 414.5.1 of the 2024 International Building Code.

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

12-104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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*,² 2021 edition, including all Appendix Chapters and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the plumbing code.

12-202. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "building official" are used in the plumbing code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the plumbing code.

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

¹Municipal code references

Cross-connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

FUEL GAS CODE

SECTION

- 12-301. Title and definitions.
- 12-302. Purpose and scope.
- 12-303. Available in the recorder's office
- 12-304. Use of existing piping and appliances.
- 12-305. Bond and license.
- 12-306. Gas inspector and assistants.
- 12-307. Powers and duties of inspector.
- 12-308. Permits.
- 12-309. Inspections.
- 12-310. Certificates.
- 12-311. Fees.
- 12-312. Nonliability.
- 12-313. Violations and penalty.

12-301. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the town. The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Building official" shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the gas code.

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

(3) "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.

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

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

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

12-302. 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 conform to the requirements of this chapter and to the *International Fuel Gas*

Code,¹ 2021 edition, is hereby adopted and incorporated by reference and made a part of this chapter as if fully set forth herein and shall be referred to as the gas code.

12-303. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-304. 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.

12-305. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the mayor a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00), with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

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

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

conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees.

12-306. 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 mayor and aldermen.

12-307. 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.

12-308. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the mayor; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to

extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system.

12-309. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

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

12-310. 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.

12-311. Fees. There shall be charged a fee of ten dollars (\$10.00) for each gas permit issued. This fee shall include the costs of one inspection to be made by the gas inspector. Should additional inspections be necessary, there shall be no charge for such inspection.

12-312. 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.

12-313. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable under the general penalty provision of this code, or the license of such person may be revoked, or both fine and revocation of license may be

imposed. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 4

ENERGY CONSERVATION CODE¹

SECTION

- 12-401. Energy conservation code adopted.
- 12-402. Modifications.
- 12-403. Violations and penalty.

12-401. Energy conservation code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the *International Energy Conservation Code*,² 2021 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 energy conservation code has been filed with the city recorder and is available for public use and inspection. Said energy conservation code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (2000 Code, § 12-601, modified)

12-402. Modifications. (1) Any reference to the requirement of a blower door test and duct test are hereby deleted from the *International Energy Conservation Code*. (2000 Code, § 12-605)

(2) Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.2.2 Visual Inspection Option from 2009 IECC.

(3) Section R403.3.3 Duct Testing (Mandatory) is deleted and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

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.

(4) Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC.

(5) Remove C405.11 Automatic Receptacle Control, C405.12 Energy Monitoring, and C408 Commissioning.

(6) The 2006 edition shall apply to the following occupancy classifications as defined by the International Building Code (IBC), 2021 edition:

- (i) Moderate-hazard factory industrial, Group F-1;
- (ii) Low-hazard factory industrial, Group F-2;
- (iii) Moderate-hazard storage, Group S-1; and
- (iv) Low-hazard storage, Group S-2

(7) For daycares licensed by DHS not located in a dwelling unit, the 2015 edition shall apply, except C408 System Commissioning shall be removed. (2000 Code, § 12-605, as amended by Ord. #02-2024, Jan. 2024, modified)

12-403. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 5

PROPERTY MAINTENANCE CODE

SECTION

- 12-501. Property maintenance code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations and penalty.

12-501. Property maintenance code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Property Maintenance Code*,¹ 2021 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the property maintenance code.

12-502. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "building official" are used in the property maintenance code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the property maintenance code.

(2) The following sections shall be removed: 302.4 Weeds, 302.8 Motor Vehicles, 302.9 Defacement of Property, 304.2 Protective Treatment, 304.8 Decorative Features, 304.14 Insect Screens, and 308 Rubbish and Garbage.

12-503. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

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

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 6

RESIDENTIAL CODE

SECTION

- 12-601. Residential code adopted.
- 12-602. Modifications.
- 12-603. Violations and penalty.

12-601. Residential code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the *International Residential Code*,¹ 2021 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 building code has been filed with the city recorder and is available for public use and inspection. Said building code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (2000 Code, § 12-901, modified)

12-602. Modifications. The following sections are hereby revised:

- (1) Section R101.1: City of Pulaski.
- (2) Section P2603.5.1: Insert "30 inches."

Any reference to the requirement of automatic sprinkler systems required in one (1) or two (2) family dwellings are hereby deleted from the *International Residential Code*.

Any reference to the requirement of a blower door or duct work testing or automatic sprinkler systems required in one (1) or two (2) family dwellings are hereby deleted from the *International Residential Code*.

(3) The required minimum codes and standards for the construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space in the State of Tennessee shall be those prescribed in the following publications:

(a) International Residential Code (IRC), 2018 edition, published by the International Code Council, Inc. (ICC), 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001, and Appendix Q except that:

- (i) Section N1102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from 2009 IRC.

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

(ii) Section N1103.3.3 (R403.3.3) Duct Testing (Mandatory) is deleted and Section N1103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.

(iii) Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2021 IRC are replaced with Table N1102.1 Insulation and Fenestration Requirements by Component and Table N1102.1.2 Equivalent U-Factor from 2009 IRC.

(iv) Section N1102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.

(v) Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "I": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, A Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

(vi) Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "m": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

(b) International Energy Conservation Code (IECC), 2021 edition, published by the ICC, except that:

(i) Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.2.2 Visual Inspection Option from 2009 IECC.

(ii) Section R403.3.3 Duct Testing (Mandatory) is deleted and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

(iii) Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2021 IECC. (2000 Code, § 12-902, as amended by Ord. #02-2024, Jan. 2024, modified)

(4) Appendix AL Permit Fees is deleted.

12-603. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 7

MECHANICAL CODE¹

SECTION

- 12-701. Mechanical code adopted.
- 12-702. Modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations and penalty.

12-701. Mechanical code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the *International Mechanical Code*,² 2021 edition, including all Appendix Chapters and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim and is hereinafter referred to as the mechanical code.

12-702. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "building official" are used in the mechanical code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the mechanical code.

12-703. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein

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) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

adopted. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 8

ANSI A117.1 ADOPTED

SECTION

12-801. ANSI A117.1 adopted.

12-902. Violations and penalty.

12-801. ANSI A117.1 adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing building code requirements, the *International Code Council ANSI A117.1*,¹ 2017 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 building code has been filed with the city recorder and is available for public use and inspection. Said building code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (2000 Code, § 12-1101, modified)

12-802. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of this code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

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

CHAPTER 9

PROPERTY MAINTENANCE CODES BOARD

SECTION

- 12-901. Scope.
- 12-902. Applications for appeal.
- 12-903. Membership of the board.
- 12-904. Rules and procedures.
- 12-905. Notice of meeting.
- 12-906. Legal counsel.
- 12-907. Board decision.
- 12-908. Court review.

12-901. Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modifications of the requirements of this code pursuant to the provisions of the *International Property Maintenance Code*,¹ Section 107 (Means of Appeal). The board shall be established and operated in accordance with this chapter, and shall be authorized to hear evidence from appellants and the code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions. (Ord. #10-2024, Sept. 2024)

12-902. Applications for appeal. Any person shall have the right to appeal a decision of the code official to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within twenty (20) days after the notice was served.

(1) **Limitation of authority.** The board shall not have authority to waive requirements of this code or interpret the administration of this code.

(2) **Stays of enforcement.** Appeals of notice and orders, other than imminent danger notices, shall stay the enforcement of the notice and order until the appeal is heard by the board. (Ord. #10-2024, Sept. 2024)

12-903. Membership of the board. The board shall consist of five (5) voting members appointed by the chief appointing authority of the jurisdiction. Each member shall serve for four (4) years or until a successor has been appointed. The board member's terms shall be staggered at intervals, so as to

¹Municipal code reference: title 12, chapter 9.

provide continuity. The code official shall be an ex officio member of said board but shall not vote on any matter before the board.

(1) Qualifications. The board shall consist of five (5) individuals, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

(2) Alternate members. The chief appointing authority is authorized to appoint two (2) alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for the same term or until a successor has been appointed.

(3) Vacancies. Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.

(4) Chairperson. The board shall annually select one of its members to serve as chairperson.

(5) Secretary. The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member and any failure of a member to vote.

(6) Conflict of interest. A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

(7) Compensation of members. Compensation of members shall be determined by law.

(8) Removal from board. A member shall be removed from the board prior to the end of their term only for cause. Any member with continued absence from regular meeting of the board may be removed at the discretion of the chief appointing authority. (Ord. #10-2024, Sept. 2024)

12-904. Rules and procedures. The board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented. (Ord. #10-2024, Sept. 2024)

12-905. Notice of meeting. The board shall meet upon notice from the chairperson, within ten (10) days of the filing of an appeal or at stated periodic intervals.

(1) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interest are affected shall be given an opportunity to be heard.

(2) Quorum. Three (3) members of the board shall constitute a quorum.

(3) Postponed hearing. When five (5) members are not present to hear an appeal, either the appellant or appellant's representative shall have the right to request a postponement of the hearing. (Ord. #10-2024, Sept. 2024)

12-906. Legal counsel. The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties. (Ord. #10-2024, Sept. 2024)

12-907. Board decision. The board shall only modify or reverse the decision of the code official by a concurring vote of three (3) or more members.

(1) Resolution. The decision of the board shall be by resolution. Every decision shall be promptly filed in writing in the office of the code official within three (3) days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to the code official.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board. (Ord. #10-2024, Sept. 2024)

12-908. Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision with the chief administrative officer. (Ord. #10-2024, Sept. 2024)

CHAPTER 10

SHORT-TERM RESIDENTIAL RENTAL UNITS

SECTION

10-1001. Definitions.

10-1002. Certificate required.

10-1003. Minimum standards for short-term rental units.

10-1004. Short-term rental owner agent/agent.

10-1005. Violations and penalty.

10-1001. Definitions. (1) "Short-term rental unit" or "STRU." A residential dwelling unit (as classified by the Tennessee State Fire Marshal's Office regardless of zoning classifications) that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in *Tennessee Code Annotated*, § 68-14-302, or a bed and breakfast establishment or a bed and breakfast homestay, as those terms are defined in *Tennessee Code Annotated*, § 68-14-502.

(2) As per the provisions of *Tennessee Code Annotated*, § 13-7-601, certain limited provisions of this section may not be applicable or wholly applicable to "legacy" or "grandfathered" short-term rental units.

(3) "STRU owner agent/agent." An individual designated to be responsible for daily operations by the owner of a short-term residential rental unit. The designated person shall be available for, and responsive to, contact at all times and be someone who is customarily present at a location within two (2) hours travel time for purposes of transacting the short-term residential rental business. The short-term residential rental agent must meet all other requirements set forth by state law.

(4) "STRU occupants." Guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a STRU for overnight lodging for a period of time, not to exceed thirty (30) consecutive days. (Ord. #01-2025, March 2025)

12-1002. Certificate required. (1) No person or entity shall operate a STRU in the corporate limits of the City of Pulaski, including without limitation a legacy/grandfathered STRU, unless a City of Pulaski business license and any permit required by the county has been first obtained from the office of the city recorder. To obtain a city business license, an otherwise eligible applicant must submit an application in compliance with the provisions of this chapter on a form provided by the city. If approved, a legible copy of the business license shall be posted within the unit and shall include the following information:

- (a) The name, address, telephone number and email address of the owner(s) of the STRU and the short-term rental agent, if applicable;
- (b) The business license number;

(c) Any applicable hotel-motel tax certifications and or numbers, as are applicable pursuant to *Tennessee Code Annotated*, § 67-4-1401 *et seq.*;

(d) The maximum occupancy of the unit;

(e) The maximum number of vehicles that may be parked at the unit; and

(f) The STRU permit number (when required).

(2) All STRUs must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, housing, building, and health and life safety code provisions. The property owner is solely responsible for compliance. (Ord. #01-2025, March 2025)

12-1003. Minimum standards for STRUs. STRUs shall meet the following minimum standards:

(1) A STRU may include a primary dwelling unit and/or a secondary dwelling unit, but cannot include uninhabitable structures such as garages, barns, or sheds.

(2) A STRU must meet all applicable laws related to zoning, housing, building, health, electrical, gas, plumbing and fire, and life safety according to adopted *International Building Code*¹ and *International Fire Code*² and requirements set forth by the State Fire Marshal's Office (SFMO). All STRUs will be classified as R1 occupancies by the SFMO regardless of zoning.³

(3) STRUs are permitted in commercial and residential zones with the exception of C1 Public Square and one (1) block perimeter, at ground floor level. Approved basement and second floor units will be permitted in this area.

(4) Maximum occupancy: the maximum occupancy shall be determined by the total of:

(a) Two (2) persons per sleeping room up to one hundred forty (140) square feet

¹Municipal code: title 12, chapter 1.

²Municipal code: title 7, chapter 1.

³For further information, go to:
https://www.tn.gov/content/dam/tn/commerce/documents/fire_prevention/posts/transient_rental_home_memo.pdf

(b) For sleeping rooms over one hundred forty (140) square feet, the occupant load will be determined by the area of the room divided by seventy (70) square feet.

(c) The occupancy maximum shall be conspicuously posted within the STRU.

(5) The STRU permit holder shall be responsible for collecting and remitting all applicable hotel/motel and sales taxes and any other taxes required by state law and/or by the City Code of Pulaski.

(6) Adequate on-site parking shall be provided, as determined by the city, after considering the maximum permitted number of guests, frequency of operations, and availability of on-street parking, if any. Parking shall not be allowed on any vegetated area of the premises on which the STRU is located.

(7) All occupants shall abide by all generally applicable codes, ordinances and regulations, including, without limitation, applicable noise restrictions, and all provisions of the City Code of Pulaski. (Ord. #01-2025, March 2025)

12-1004. Short-term rental owner agent/agent. (1) The owner of a STRU shall designate a short-term rental agent on its license application for each STRU. A property owner may serve as the STRU agent. Alternatively, the owner may designate a person as his or her agent who is over age twenty-one (21) and meets all local and state regulatory requirements to fulfill the duties of a STRU agent.

(2) The duties of the STRU agent are to:

(a) Be reasonably available to handle any problems arising from use of the STRU;

(b) Appear on the premises of any STRU within two (2) hours following notification from the city of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the STRU have created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of the city code or other applicable law pertaining to noise, disorderly conduct, overcrowding, excessive consumption of alcohol, or use of illegal drugs. Failure of the agent to appear in a timely manner to two (2) or more complaints regarding violations may be grounds for penalties and/or permit/certificate revocations as set forth in this chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;

(c) Receive and accept service of any notice of violation or notice of hearing related to the STRU; and

(d) Monitor the STRUs for compliance with all applicable laws, including, without limitations, compliance with the provisions of the hotel-motel tax authorized by *Tennessee Code Annotated*, § 67-4-401, *et seq.*

(3) An owner may change his or her designation of a STRU agent temporarily or permanently; however, there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the city manager in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of this chapter. (Ord. #01-2025, March 2025)

12-1005. Violations and penalty. Any violation of this chapter, including failure to obtain a business license and any applicable county permit shall be punishable by a civil penalty of fifty (\$50.00) dollars per violation. Each day that the violation continues shall be a separate offense. (Ord. #01-2025, March 2025)

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER**

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. JUNKED MOTOR VEHICLES.

CHAPTER 1**MISCELLANEOUS****SECTION**

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.

13-101. 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.

13-102. 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.

13-103. Weeds and grass. 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

¹Municipal code references

Animal control: title 10.

International property maintenance code: title 12.

Littering generally: title 11.

Littering streets, etc.: § 16-107.

Wastewater treatment: title 18, chapter 2.

order by the recorder to cut such vegetation when it has reached a height of over one foot (1').

13-104. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. If no valid last known address exists for the owner of record, the city may publish the notice in a newspaper of general circulation in the county for two (2) consecutive issues, or personally deliver notice to owner. 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 § 13-104 of the City of Pulaski Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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

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

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

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or

person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property.

(a) The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Giles County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes, or

(b) The city may bill the owner the costs to remedy or remove the condition, in the same manner as municipal real property taxes and add the amount on the real property tax notice sent to the owner. If this remedy is used by the city, the amount billed to the property owner shall not constitute a lien on any affected property or accrue penalties or interest for late payment. If the city adds such costs to the real property tax notices the city shall bear all expenses related to system modifications necessary to add the costs to the notices.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury or dispose of such animal. (Modified)

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.

13-107. Violations and penalty. 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.

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 orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

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

13-202. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

(3) "Municipality" shall mean the City of Pulaski, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "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.

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

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

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector/codes official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the City of Pulaski.

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

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such

determination and shall issue and cause to be served upon the owner thereof an order:

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

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

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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

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

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, 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 as set forth in *Tennessee Code Annotated*, § 67-5-2010 and § 67-5-2410. In addition, the municipality may collect the costs assessed against the owner

through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer 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 Giles County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Pulaski to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Pulaski. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness.

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 persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city, or, in the absence of such newspaper, one (1) printed and published in the county and circulating in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on 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 Giles County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill 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 bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

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

- (1) To investigate conditions of the structures in the 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.

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.

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section 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.

CHAPTER 3**JUNKYARDS^{1,2}****SECTION**

13-301. Junkyards.

13-302. Violations and penalty.

13-301. Junkyards. 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 feet (6') 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.

13-302. Violations and penalty. 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.

¹Municipal code reference
Refuse and trash disposal: title 17.

²State law reference
Tennessee Code Annotated, § 7-51-701.

CHAPTER 4

JUNKED MOTOR VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Violations a civil offense.
- 13-403. Exceptions.
- 13-404. Enforcement.
- 13-405. Violations and penalty.

13-401. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

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

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

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

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

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

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

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

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

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own

power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

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

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

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

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

13-402. Violations a civil offense. It shall be unlawful and a civil offense for any person:

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

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

(3) To park, store, keep, maintain on private property a junk vehicle.

13-403. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

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

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city.

13-404. Enforcement. Pursuant to *Tennessee Code Annotated*, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this ordinance on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may:

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

13-405. Violations and penalty. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. In addition, pursuant to *Tennessee Code Annotated*, § 55-5-122, the municipal court may issue an order to remove vehicles from private property. Each day the violation of this chapter continues shall be considered a separate violation.

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. AIRPORT ZONING.
4. FLOODPLAIN ZONING.

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

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of *Tennessee Code Annotated*, § 13-4-101, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (2000 Code, § 14-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (2000 Code, § 14-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by, the provisions of the state law relating to regional planning commissions. (2000 Code, § 14-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-202. Violations and penalty.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Pulaski shall be governed by Ord. #8-1996, titled "Municipal Zoning Ordinance of Pulaski, Tennessee," and any amendments thereto.¹ (2000 Code, § 14-201)

14-202. Violations and penalty. Violations of the zoning ordinance 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.

¹Ord. #8-1996, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

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

CHAPTER 3

AIRPORT ZONING

SECTION

14-301. Land use in certain zones governed by airport zoning ordinance.

14-302. Violations and penalty.

14-301. Land use in certain zones governed by airport zoning ordinance. Land use within the non-instrument approach zones, transition zones, horizontal zones, and conical zone, as shown on the Abernathy Field Airport Zoning Map, shall be governed by the "Abernathy Field Zoning Ordinance," and any amendments thereto.¹ (2000 Code, § 14-301)

14-302. Violations and penalty. Violations of the zoning ordinance 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.

¹The "Abernathy Field Zoning Ordinance," and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 4

FLOODPLAIN ZONING

SECTION

- 14-401. Statutory authorization, findings of fact, purpose and objectives.
- 14-402. Definitions.
- 14-403. General provisions.
- 14-404. Administration.
- 14-405. Provisions for flood hazard reduction.
- 14-406. Variance procedures.
- 14-407. Legal status provisions.

14-401. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, *Tennessee Code Annotated* delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Pulaski, Tennessee, Mayor and the Pulaski Board of Alderman, do ordain as follows:

(2) Findings of fact. (a) The City of Pulaski, Tennessee, Mayor and Board of Alderman 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), chapter 1, section 60.3.

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

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

(3) Statement of purpose. It is the purpose of this 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:

(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.
(Ord. #09-2022, July 2022)

14-402. 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" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

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

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

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

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(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 (1)-percent annual chance flood.

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

(9) "Building" see "Structure."

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

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of 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.

(12) "Emergency flood insurance program" or "Emergency program" means the program as implemented on an emergency basis in accordance with § 1336 of the Act. It is intended as a program to provide a first layer amount of

insurance on all insurable structures before the effective date of the initial FIRM.

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

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

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

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

(17) "Existing structures" see "Existing construction".

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

(19) "Flood" or "Flooding." (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (i) The overflow of inland or tidal waters.
- (ii) The unusual and rapid accumulation or runoff of surface waters from any source.
- (iii) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface

elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

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

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

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

(25) "Floodplain" or "Floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

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

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

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

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

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

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

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes 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.

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

(36) "Historic structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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

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

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

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

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering

practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

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

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

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

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

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

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

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

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

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

(48) "100-year flood" see "Base flood".

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

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

(53) "Regulatory flood protection elevation" means the Base Flood Elevation (BFEs) plus the freeboard. In special flood hazard areas where base flood elevations have been determined, this elevation shall be the BFE plus one foot (1'). In special flood hazard areas where no BFE has been established, this elevation shall be at least three feet (3') above the highest adjacent grade.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "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.

(56) "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.

(57) "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.

(58) "State coordinating agency" means the Tennessee Emergency Management Agency, State NFIP 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.

(59) "Structure" for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(60) "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.

(61) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement, or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(c) 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

(d) Preclude the structure's continued designation as a "historic structure."

(62) "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.

(63) "Variance" is a grant of relief from the requirements of this chapter.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(65) "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. (Ord. #09-2022, July 2022)

14-403. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of the City of Pulaski, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Pulaski, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47055C0204D, 47055C0205D, 47055C0208D, 47055C0209D, 47055C0210D, 47055C0216D, 47055C0217D, 47055C0220D and 47055C0250D, dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this 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 City of Pulaski, 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 ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Pulaski, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #09-2022, July 2022)

14-404. Administration. (1) Designation of ordinance administrator. The building inspector 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 development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage:

(i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-405(1) and (2).

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

(v) In order to determine if improvements or damage meet the substantial improvement or substantial damage criteria, the applicant shall provide to the floodplain administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

(A) An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.

(B) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

(C) A qualified estimate of costs that is prepared by the local official using professional judgment and knowledge of local and regional construction costs.

(D) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a 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 floodproofing 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 floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(c) Finished construction stage. A final finished construction elevation certificate is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The administrator will keep the certificate on file in perpetuity.

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

(a) Review all development permits to assure that the permit requirements of this 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 U.S.C. 1344.

(c) Notify adjacent communities and the Tennessee Emergency Management Agency, state NFIP 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 § 14-404(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-404(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-404(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 flood way 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 City of Pulaski, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator 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.

(l) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The finished construction elevation certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent

possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches (3" x 3"). Digital photographs are acceptable. (Ord. #09-2022, July 2022)

14-405. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

(j) Any alteration, repair, reconstruction or improvements to a building 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;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1344;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-405(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-405(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of section § 14-405(2)(c).

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402(35)). 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 § 14-405(2)(c).

(b) Non-residential structures. In AE Zones, 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 flood proofed 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 § 14-405(2)(c)."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined § 14-402(35)). 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 § 14-405(2)(c)."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-404(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to

impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-405(2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must 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 § 14-402(35)).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of §§ 14-405(1) and 14-405(2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(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) The recreational vehicle must meet all the requirements for new construction.

(d) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new

developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(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.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-405(5)).

(3) Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated. Located within the special flood hazard areas established in § 14-403(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 fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

(b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) Only if § 14-405(3)(a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-405(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 § 14-403(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed 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.

(b) A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) Only if § 14-405(4)(a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-405(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 § 14-403(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b), below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-405(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402(35)). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-404(2). Openings sufficient to facilitate automatic equalization of hydrostatic

flood forces on exterior walls shall be provided in accordance with the standards of § 14-405(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Pulaski, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2). Within approximate A Zones, require that those subsections of § 14-405(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 (Zone AO). Located within the special flood hazard areas established in § 14-403(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. In addition to § 14-405(1) and (2), all new construction and substantial improvements shall meet the following requirements:

(a) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one foot (1') above the highest adjacent grade; or at least three feet (3') above the highest adjacent grade, if no depth number is specified.

(b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in § 14-405(6)(a) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with § 14-404(2)(a)(3) and § 14-405(2)(b).

(c) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(7) Standards for areas of shallow flooding (Zone AH). Located within the special flood hazard areas established in § 14-403(2), are areas designated as shallow flooding areas. These areas are subject to inundation by one percent (1%) annual chance shallow flooding (usually areas of ponding) where average depths are one to three feet (1'-3'). Base flood elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of § 14-405(1) and (2), all new construction and substantial improvements shall meet the following requirement: Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(8) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-403(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 (A-99 Zones) all provisions of §§ 14-404 and 14-405 shall apply.

(9) Standards for unmapped streams. Located within the City of Pulaski, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-404 and 14-405.

(c) Only if § 14-405(9)(a)(i) and (ii) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-405(1) and (2). (Ord. #09-2022, July 2022)

14-406. Variance procedures. (1) Municipal Board of Zoning Appeals.

(a) Authority. The City of Pulaski, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. all meetings of the municipal board of zoning appeals shall be open to the

public. The municipal board of zoning appeals 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 municipal board of zoning appeals shall be set by the board of alderman.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals 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 municipal board of zoning appeals 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 municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals 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 ten (10) 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 municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Pulaski, Tennessee Municipal Board of Zoning Appeals 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 municipal board of zoning appeals shall consider all

technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other property to the injury of others;
- (2) The danger to life and property due to flooding or erosion;
- (3) The susceptibility of the proposed facility and its contents to flood damage;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-406(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. (Ord. #09-2022, July 2022)

14-407. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Pulaski, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #09-2022, July 2022)

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING**¹**CHAPTER**

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1**MISCELLANEOUS**²**SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under *Tennessee Code Annotated*, § 55-10-307(b), 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 where death or injury occurs, as prohibited by *Tennessee Code Annotated*, § 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-50-504; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-122. Duty to stop in event of accident.
- 15-123. Hitchhikers.
- 15-124. Police direction of traffic.
- 15-125. Use of streets by commercial trucks.
- 15-126. Delivery of vehicle to unlicensed driver, etc.
- 15-127. Compliance with financial responsibility law required.
- 15-128. Adoption of state traffic statutes.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits, unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by *Tennessee Code Annotated*, title 55, chapter 9. (2000 Code, § 15-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (2000 Code, § 15-102)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle, except in the indicated direction. (2000 Code, § 15-104)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right-half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right-half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the 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. (2000 Code, § 15-105)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel, except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right-hand lane, unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right-hand lanes shall be available for use, except that traffic moving at less than the normal rate of speed shall use the extreme right-hand lane. On one-way streets, either lane may be lawfully used in the absence of markings to the contrary. (2000 Code, § 15-106)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or centerline, 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. (2000 Code, § 15-107)

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. (2000 Code, § 15-108)

15-108. General requirements for traffic-control signs, etc. Pursuant to *Tennessee Code Annotated*, § 54-5-108, all traffic-control signs, signals, markings, and devices shall conform to the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*,² and shall be uniform as to type and location throughout the city.

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, and traffic-control signals generally: §§ 15-505--15-509.

²For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, §§ 1680-3-1, *et seq.*

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. (2000 Code, § 15-110)

15-110. Presumption with respect to traffic-control signs, etc.

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (2000 Code, § 15-111)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction, shall, at the time, be wearing some insignia and/or using authorized flags for giving signals. (2000 Code, § 15-112)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (2000 Code, § 15-113)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (2000 Code, § 15-114)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties, nor to persons riding in the load-carrying space of trucks. (2000 Code, § 15-115)

15-115. Backing vehicles. The driver of a vehicle shall not back the same, unless such movement can be made with reasonable safety and without interfering with other traffic. (2000 Code, § 15-116)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position, as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag, a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (2000 Code, § 15-117)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, sounding a siren or exhaust, compression, or spark plug whistle, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (2000 Code, § 15-118)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law," being Tennessee Code Annotated, § 55-1-101 *et seq.*, or the "Uniform Classified and Commercial Driver License Act of 1988," being Tennessee Code Annotated, § 55-50-101 *et seq.*

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.

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. (2000 Code, § 15-120)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or

otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (2000 Code, § 15-121)

15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, including a vehicle that is fully enclosed, has three (3) wheels in contact with the ground, weighs less than one thousand five hundred pounds (1,500 lbs.), and has the capacity to maintain posted highway speed limits, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the 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, motor driven cycles, or motorized bicycles.

(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) (a) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head,

either a crash helmet meeting federal standards contained in 49 CFR 571.218, or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(i) Except as provided in subdivisions (a)(ii)-(iv), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR 571.218;

(ii) Notwithstanding any provision in 49 CFR 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided, that no ventilation airway shall exceed one and one-half inches (1-1/2") in diameter;

(iii) Notwithstanding any provision in 49 CFR 571.218, the protective surface shall not be required to be a continuous contour; and

(iv) Notwithstanding any provision in 49 CFR 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CSPM), or the Snell Memorial Foundation, Inc.

(b) This section does not apply to persons riding:

(i) Within an enclosed cab;

(ii) Motorcycles that are fully enclosed, have three (3) wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.) and have the capacity to maintain posted highway speed limits;

(iii) Golf carts; or

(iv) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years or older.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.

15-122. Duty to stop in event of accident. The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident, and

shall give his name, address, and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with, and shall render to any person injured in such accident, reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical attention or treatment, if it is apparent that such attention or treatment is necessary or required by the injured person. (2000 Code, § 15-123)

15-123. Hitchhikers. It shall be unlawful for any person to "hitchhike" or otherwise solicit rides while standing in any roadway within the city. (2000 Code, § 15-124)

15-124. Police direction of traffic. In order to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the other provisions of this title. It shall be unlawful for any person to knowingly violate the directions of any police officer acting pursuant to the authority granted to him by this section. (2000 Code, § 15-125)

15-125. Use of streets by commercial trucks. (1) In order to safeguard the public, abate noise, and to promote the public welfare of the City of Pulaski, the following streets shall be closed to commercial truck traffic of any truck of a size of more than three-quarter (3/4) ton:

- (a) West Woodring from Third Street to Rose Street.
- (b) West Washington from Third Street to Rose Street.
- (c) West Jefferson from Third Street to Eighth Street.
- (d) West Madison from Third Street to Eighth Street.
- (e) West Flower from Third Street to Eighth Street.

(2) **Exception--local deliveries.** The foregoing subsection shall not apply to local deliveries to any school or public places within these zones or areas between the hours of 8:00 A.M. and 5:00 P.M. on Monday through Friday of each week.

(3) **Exception--deliveries to colleges or universities.** The foregoing subsections shall not apply to any organization delivering equipment for any cultural performances to any college or university located on any of the above streets.

(4) **Exception--school buses.** This section shall not apply to school buses while traveling to or from delivery of students to any school activity or function related to school activities.

(5) **Exception--moving vans.** This section shall not apply to any moving van while in the process of delivery or loading of household goods and effects. (2000 Code, § 15-126)

15-126. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions. (a) "Adult" shall mean any person eighteen (18) years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Pulaski unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city.

15-127. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under *Tennessee Code Annotated*, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard

to apparent or actual fault. For the purposes of this section, "financial responsibility" shall be defined by *Tennessee Code Annotated*, § 55-12-139:

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that the 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 the 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 that is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected, notwithstanding any law to the contrary.

15-128. Adoption of state traffic statutes. By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the city adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the city adopts *Tennessee Code Annotated*, § 55-4-101 through 55-4-135, §§ 55-8-181 to 55-8-193, §§ 55-8-199, 55-8-204, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-50-351 by reference as if fully set forth in this section.

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (2000 Code, § 15-201)

15-202. Operation of authorized emergency vehicles. (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this title;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limit so long as life or property is not thereby endangered; and

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that an authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (2000 Code, § 15-203)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department

except in obedience to the direction of a firefighter or police officer. (2000 Code, § 15-204)

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. The Public Safety Committee of the City of Pulaski shall, from time to time, review the appropriateness and necessity of establishing speed limits on streets and highways within the City of Pulaski. The committee shall direct the street department of the city to post the appropriate and desirable speed limits as the committee shall determine on all streets and highways within the City of Pulaski. (2000 Code, § 15-301)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour, unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (2000 Code, § 15-302)

15-303. In school zones. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (2000 Code, § 15-303)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (2000 Code, § 15-304)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. Every driver who intends to turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in *Tennessee Code Annotated*, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement.

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. (2000 Code, § 15-402)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (2000 Code, § 15-404)

15-405. U-turns. U-turns are prohibited. (2000 Code, § 15-405)

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. When emerging from alleys, etc.
- 15-502. To prevent obstructing an intersection.
- 15-503. At railroad crossings.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. At pedestrian control signals.
- 15-509. Stops to be signaled.

15-501. 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. (2000 Code, § 15-502)

15-502. 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. (2000 Code, § 15-503)

15-503. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train;
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train;
- (3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (2000 Code, § 15-504)

15-504. 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. (2000 Code, § 15-505)

15-505. 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. (2000 Code, § 15-506)

15-506. At traffic-control signals generally. Whenever traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone, or "Caution," when shown following the green or "Go" signal:

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing the signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) Red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly

marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(c) A left turn on a red or stop signal shall be permitted at all intersections within the city where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except that clearly marked by a "No Turn of Red" sign, which may be erected by the city at intersections which the city decides requires no left turns on red in the interest of traffic safety.

(d) The driver of a motorcycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the motorcycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to § 15-506, "At traffic control signals generally," that the driver of a motorcycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the motorcycle when such signal did not utilize a vehicle detection device or that any such device was not in fact inoperative due to the size of the motorcycle.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

15-507. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, and the light is clearly visible for a sufficient distance ahead to permit such stopping, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code.

15-508. 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. (2000 Code, § 15-509)

15-509. Stops to be signaled. Every driver operating a motor vehicle who intends to stop such vehicle, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give the signal required in *Tennessee Code Annotated*, § 55-8-143, plainly visible to the driver of such other vehicle of the intention to make such movement.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.
- 15-607. Unauthorized parking in areas designated as fire lanes or reserved for handicapped prohibited.

15-601. Generally. Except as hereinafter provided, every vehicle parked upon a street within the city shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases, the left wheels shall be required to be within eighteen inches (18") of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (2000 Code, § 15-601)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (2000 Code, § 15-602)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space, unless the vehicle is too large to be parked within a single designated space. (2000 Code, § 15-603)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen feet (15') thereof.
- (4) Within fifteen feet (15') of a fire hydrant or within any no parking zone established by the fire chief or his representative at any fire.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty feet (50') of a railroad crossing.
- (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the city.
- (12) There has heretofore been designated handicapped parking areas on various streets in the City of Pulaski which shall be reserved for the handicapped who have "handicapped" stickers purchased through the County Court Clerk's Office of Pulaski, Tennessee, or valid handicapped stickers from other areas prominently displayed on their vehicles. The city administrator of the City of Pulaski shall, from time to time, review the appropriateness and necessity for the marking and designating of curbs and handicap parking areas within the City of Pulaski. The city administrator shall direct the street department of the city to mark or remove the markings from the curbs and identify handicap parking when necessary to promote proper and improper parking within the City of Pulaski. (2000 Code, § 15-604, as amended by Ord. #04-2024, April 2024)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone.

Any merchant whose place of business has no rear door or area for loading and unloading may secure loading and unloading space on the public street upon application and payment of a monthly fee of four dollars (\$4.00) for each vehicle parking space required. The chief of police shall designate the exact location of "loading and unloading" areas, and the city recorder shall have appropriate signs placed upon payment of the required fee. (2000 Code, § 15-605)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (2000 Code, § 15-606)

15-607. Unauthorized parking in areas designated as fire lanes or reserved for handicapped prohibited. (1) It shall be unlawful for any person other than a sworn law enforcement officer or fire department, rescue squad or medical personnel to park in any area, whether on public streets or private property, designated as "fire lane" by the state fire marshal or the appropriate office of the City of Pulaski Fire Department. It shall likewise be unlawful for any person not validly in possession of a handicapped parking license plate or placard to park in any area, whether on public streets or private property, designated as restricted to handicapped parking.

(2) Any person found to be in violation of this offense shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars (\$50.00), upon conviction of said offense in the Pulaski Municipal Court. (2000 Code, § 15-607)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.

15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-701. 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. (2000 Code, § 15-701)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (2000 Code, § 15-702)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (2000 Code, § 15-703)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of

¹State law reference

Tennessee Code Annotated, §§ 7-63-101, et seq.

police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner or other person entitled thereto claims it gives satisfactory evidence of ownership and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding and storage of a vehicle shall be no more than the maximum set by the applicable Tennessee highway patrol district pursuant to *Tennessee Code Annotated* § 55-31-207. (2000 Code, § 15-704, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. CONSTRUCTION OF SIDEWALKS AND CURBING.
4. WEEDS, ETC.
5. PARADES.
6. CLEAN STREETS AND PUBLIC WAYS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-108. Animals and vehicles on sidewalks.
- 16-110. In street signs.
- 16-111. Speed bumps.
- 16-112. Violations and penalty.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person, without express permission from the board of mayor and aldermen, shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of washing a car, burning leaves or other refuse matter, or for storing, selling, or exhibiting any goods, wares, merchandise, or materials; provided, however, goods, wares, merchandise, or materials may be displayed or placed on sidewalks; provided the same shall not extend over twenty-five inches (25") from the actual building where said building abuts on a sidewalk; and provided further that any display or use of the sidewalk shall not create a hazard to pedestrians. (2000 Code, § 16-101)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen feet (14'). (2000 Code, § 16-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property, any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (2000 Code, § 16-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (2000 Code, § 16-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley, except when expressly authorized by the Power Board of the Pulaski Electric System. (2000 Code, § 16-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk. (2000 Code, § 16-106)

16-107. 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. (2000 Code, § 16-108)

16-108. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk if it is within the fire limits. (2000 Code, § 16-109)

16-109. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful

¹Municipal code reference
Building code: title 12, chapter 1.

for any person knowingly to allow any minor under his control to violate this section. (2000 Code, § 16-111)

16-110. In street signs. (1) It is the policy of the City of Pulaski, Tennessee that "in street signs" may be allowed upon certain city streets in certain circumstances for the purpose of facilitating the safe travel by pedestrians across those streets. Upon a request to the city by an educational institution to erect in street signs, the chief of police shall conduct an investigation into the necessity of erecting said signs. In the event the chief of police determines that:

(a) It is reasonably necessary for students of the educational institution to traverse the institution's campus by foot; and

(b) Placing in street signs in certain crosswalks facilitates the safe travel of student pedestrians, then the chief of police shall make a recommendation to the board of mayor and aldermen that certain approved in street signs be allowed.

(2) Upon a resolution of the board, certain in street signs will be permitted.

(3) Under no circumstances will such signs be permitted that do not adhere to the following guidelines:

(a) Such signs shall be temporary in nature, but shall be anchored to the street surface, so as not to allow them to be moved, absent the intent to move them. For example, signs shall be anchored in such a manner so as to prevent strong winds from moving them from the position where they were originally affixed;

(b) Such signs shall only be permitted on secondary streets within the city limits of Pulaski, Tennessee;

(c) The costs of such in street signs shall be borne by the educational institution requesting such signs; and

(d) In no event shall an in street sign be placed in a manner or design inconsistent with the *Manual on Uniform Traffic Control Devices* (MUTCD), nor any other provision of the Municipal Code for the City of Pulaski. (2000 Code, § 16-112)

16-111. Speed bumps. The City of Pulaski, Tennessee believes that "speed bumps" are valid and useful traffic-control devices and may be allowed upon certain city streets in certain circumstances for the purpose of deterring speeding vehicles. The decision to place speed bumps shall be left to the discretion of the board of mayor and aldermen. Speed bumps will only be placed according to the following guidelines:

(1) Speed bumps will only be allowed on secondary streets within the city limits of Pulaski, Tennessee;

(2) Speed bumps will only be erected in areas which are residentially zoned, in Historic Zoning Overlay Districts or on streets which adjoin parks, athletic fields or educational institutions which are not residentially zoned;

(3) In the event speed bumps are placed, the proper warning signs shall be erected so as to give notice to motorists of the existence of the traffic control device;

(4) Speed bumps will be considered upon a demand by written petition to the board of mayor and aldermen, containing the signatures of at least eighty-five percent (85%) of the residents who reside on the street block where the traffic-control device is requested to be maintained.

(a) The board of mayor and aldermen should consider the potential cost associated with the erection of a speed bump, as well as the total amount expended on speed bumps during the fiscal year in which the determination is being made, in making its determination whether to authorize the construction of a speed bump.

(b) The board of mayor and aldermen should also consider traffic volume in making its determination whether to authorize the construction of a speed bump.

Upon a resolution of the board of mayor and aldermen, speed bumps which comply with these requirements will be permitted, constructed and maintained by the City of Pulaski, Tennessee.

In the event any section, provision, or part of this section shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall not affect the validity of the section as a whole, or any section, provision or part hereof not adjudged invalid or unconstitutional.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

The ordinance comprising this section shall take effect from and after its passage, the public welfare requiring it. (2000 Code, § 16-113)

16-112. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.
- 16-211. Violations and penalty.

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 building inspector is open for business, and said permit shall be retroactive to the date when the work was begun. (2000 Code, § 16-201)

16-202. Applications. Applications for such permits shall be made to the building inspector, 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

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).

contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the building inspector within twenty-four (24) hours of its filing. (2000 Code, § 16-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (2000 Code, § 16-203)

16-204. Deposit or bond. No such permit shall be issued, unless and until the applicant therefor has deposited with the building inspector a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area, and shall ensure 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 building inspector 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 building inspector 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. (2000 Code, § 16-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. 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. (2000 Code, § 16-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in the city shall restore said street, alley, or public place to its original condition, except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others

promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the building inspector 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. (2000 Code, § 16-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to ensure 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 building inspector in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident, and for property damages not less than twenty-five thousand dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollars (\$75,000.00) aggregate. (2000 Code, § 16-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the 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 building inspector. (2000 Code, § 16-208)

16-209. Supervision. The building inspector 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. (2000 Code, § 16-209)

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 building inspector. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (2000 Code, § 16-210)

16-211. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense.

CHAPTER 3

CONSTRUCTION OF SIDEWALKS AND CURBING

SECTION

16-301. Owners required to construct sidewalks and curbing.

16-302. Notice to owner required.

16-303. Result of refusal of owner after notice.

16-304. Demand to be made for payment; arrangements for payment, etc.

16-305. Maintenance.

16-301. Owners required to construct sidewalks and curbing. The owners of any property within the corporate limits of the city, except that zoned C-I, Central Business District, and fronting upon, or adjoining any paved street within the city shall be required to construct or bear the expense of constructing a suitable sidewalk and/or curbing along the entire frontage of their property. All such sidewalks and curbing shall be constructed in accordance with requirements established by the street and sanitary committee. (2000 Code, § 16-301)

16-302. Notice to owner required. It shall be the duty of the city attorney to give any owner who fails or refuses to construct or bear the expense of construction of such sidewalk or curbing a fifteen (15) day written notice of the intention of the board to require such owner to construct or bear the expense of constructing such sidewalk and curbing. All such notices shall be sent pursuant to action of the board indicated by a proper minute entry to that effect. (2000 Code, § 16-302)

16-303. Result of refusal of owner after notice. If any owner shall refuse to construct or bear the expense of constructing such a sidewalk and/or curbing after such notice, the chairman of the street and sanitary committee shall immediately proceed to cause said sidewalk and/or curbing to be constructed. (2000 Code, § 16-303)

16-304. Demand to be made for payment; arrangements for payment, etc. Immediately upon the completion of said construction, the chairman of the street and sanitary committee shall deliver to the city attorney a statement of the total costs of such construction. It shall be the duty of the city attorney to make formal demand, by registered mail, for payment, and in said demand, to set a deadline of not less than ten (10) nor more than fifteen (15) days from the date of the mailing of the letter within which arrangements for payment must be made with the recorder.

The city recorder is authorized, empowered, and directed to accept a cash payment of the total amount due or any reasonable, interest free, installment

payment plan proposed by the property owner. However, if the property fails to make a timely cash payment, or arrangements for payment by installments, or defaults on any installment payment, the entire balance owed shall be due and payable immediately. In such case, the board may direct the city attorney to institute suit in the name of the city for recovery of the total amount remaining unpaid. (2000 Code, § 16-304)

16-305. Maintenance. All owners of property, except that property zoned C-I Central Business District, abutting or adjoining paved streets shall cause the sidewalks and curbs around the same to be maintained at all times and when any such sidewalk or curbing shall deteriorate to the extent that a new sidewalk or curb shall be necessary, the board shall proceed under the preceding sections. (2000 Code, § 16-305)

CHAPTER 4

WEEDS, ETC.

SECTION

- 16-401 Weeds, etc.
- 16-402 Open storage of appliances, inoperative vehicles, etc., prohibited.
- 16-403. Contractors, etc., to keep construction sites clean.
- 16-404. Loose cargo to be covered.
- 16-405. Suitable containers to be provided at packing and loading operations.
- 16-406. Inspections; notice to remove; removal by city; reimbursement by owner.
- 16-407. Abatement of conditions; owners' liability; expenses constitute lien; penalty and interest.
- 16-408. Appeal.
- 16-409. Supplemental nature of this section.
- 16-410. Violations and penalty.

16-401. Weeds, etc. It shall be unlawful for any person or persons to permit on their property within the City of Pulaski the unrestricted growth or weeds, high grass and other vegetation, or the accumulation of trash, refuse, rubbish, litter, or any other substance, animal or thing, to such an extent that such growth or accumulation is injurious to the health and welfare of an inhabitant of the City of Pulaski. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (2000 Code, § 16-702)

16-402. Open storage of appliances, inoperative vehicles, etc., prohibited. It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any refrigerator, washing machine, dryer, television, microwave, window air conditioners, stove, and any other household appliances, glass, building rubbish or any motor vehicle that is not currently registered or has been incapable of operation for seventy-two (72) hours. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such above mentioned items as listed above, and further to remove dead trees, trash, and garbage upon notice from the building inspector, chief of police or his designee.

The foregoing items if stored behind an opaque fence of at least six feet (6') in height shall be deemed not to be openly stored. (2000 Code, § 16-703)

16-403. Contractors, etc., to keep construction sites clean. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or

permitted, the accumulation of any litter on the site before, during or after completion of the construction or demolition project. (2000 Code, § 16-704)

16-404. Loose cargo to be covered. (1) It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city, unless said cargo is covered and secured in such manner as to prevent depositing of litter on public or private property.

(2) The duty and responsibility imposed by subsection (1) shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person, firm, corporation, institution or organization from whose residence or establishment the cargo originated.

(3) In the prosecution charging a violation of subsection (1), lack of adequate covering and securing shall in itself constitute proof a violation has been committed. (2000 Code, § 16-705)

16-405. Suitable containers to be provided at packing and loading operations. Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers therefor the disposal and storage of such litter, and shall make appropriate arrangements for the collection thereof. (2000 Code, § 16-706)

16-406. Inspections; notice to remove; removal by city; reimbursement by owner. The Building Inspector of the City of Pulaski or those persons he may designate shall inspect any property within the City of Pulaski suspected of being in violation of this chapter. In the event the building inspector determines that a violation of this chapter exists, the building inspector will cause to be sent a notice to the property owners as shown upon the tax book of the city. Said notice shall advise the owners that there exists a violation of this chapter and that in the event compliance is not effected within ten (10) calendar days from the date of mailing such notice, the City of Pulaski will cause removal of the condition to be accomplished, and the expense thereof charged to the property and the owners thereof. The notice shall be forwarded to the last known address of all owners of the subject property by registered or certified mail, return receipt requested. In the event the removal of the offending condition shall not have been accomplished in the time allowed in the aforementioned notice, the building inspector is further authorized and directed to cause the removal to be done at the expense of the City of Pulaski. The building inspector shall then notify the owners of the property of the amount of such expense in the same manner as hereinabove, and shall further notify such owners that reimbursement of such expense is required within ten (10) days from date of such notice. (2000 Code, § 16-708)

16-407. Abatement of conditions; owners' liability; expenses constitute lien; penalty and interest. The Street Department of the City of Pulaski, after notification of the property owners as set out in § 16-507, shall have the authority to abate the conditions described in this chapter by removing from the property the condition or substance or thing causing the violation as hereinabove set forth. All owners of property shall be liable jointly and separately for the expense of removal of the condition, substance or thing upon their property, and the property itself shall be subject to suit for reimbursement of such expenses. In the event the expense of such removal shall not have been paid within the ten (10) day period allowed following notice as hereinabove provided, then the expenses shall be entered upon the tax books of the city as a lien against such parcel of property whereon such expense was incurred. In the event such expense shall not have been reimbursed by the date upon which taxes are due and payable for the year in which same was incurred, then the city recorder shall cause to be added to said amount, the penalty and interest as are applicable to delinquent assessments which shall constitute a lien on property. (2000 Code, § 16-709)

16-408. Appeal. The owner of record who is aggrieved by the determination and order of the building inspector may appeal the determination to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice pursuant to this chapter. The failure to appeal within this time period shall constitute a waiver of the right to a hearing. (2000 Code, § 16-710)

16-409. Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush, and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements. (2000 Code, § 16-711)

16-410. Violations and penalty. Any person found to be in violation of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) upon conviction of said offense in the Pulaski Municipal Court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (2000 Code, § 16-707)

CHAPTER 5

PARADES

SECTION

- 16-501. Short title.
- 16-502. Definitions.
- 16-503. Purposes
- 16-504. Permit.
- 16-505. Application.
- 16-506. Standards for issuance.
- 16-507. Contents of permit.
- 16-508. Duties of permittee.
- 16-509. Revocation of permit.
- 16-510. Notice to city officials.
- 16-511. Events held in multiple locations permitted.
- 16-512. Violations and penalty.

16-501. Short title. This chapter shall be known and may be cited as the "Parade Chapter of the City of Pulaski." (2000 Code, § 16-801)

16-502. Definitions. The following words, for the purpose of this chapter, shall have the following meanings.

- (1) "Board of mayor and aldermen" means the Board of Mayor and Aldermen of Pulaski.
- (2) "Chief of police" means the Chief of Police of Pulaski.
- (3) "City" means the City of Pulaski.
- (4) "City recorder" means the City Recorder of Pulaski.
- (5) "Parade" means any meeting, parade, demonstration, exhibition, festival, homecoming, assembly, or other such event to be held in or upon any street, park, or other public place in Pulaski, unless such event is entirely confined to city property governed by rules and regulations of the Department of Parks and Recreation of the City of Pulaski.
- (6) "Parade permit" means a permit as required by this chapter.
- (7) "Person" means any person, firm, group, partnership, association, corporation, company, or organization of any kind, including multiple organizations who may be working together. (2000 Code, § 16-802)

16-503. Purposes. (1) The City of Pulaski recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(2) The city passes this chapter to regulate the time, place, and manner of parades.

(3) The city passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(4) The City of Pulaski has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.

(5) The purpose of this chapter is to promote order, safety, and tranquility in the streets of the city.

(6) This chapter is passed to help minimize traffic and business interruptions during parades. (2000 Code, § 16-803)

16-504. Permit. (1) No person shall parade, unless a parade permit has been obtained from the board of mayor and aldermen. Any parade held without the proper permit shall be unlawful.

(2) This chapter shall not apply to funeral processions, students going to and from school classes, or participating in educational activities or other school activities, such as sports events, providing that such conduct is under the immediate direction and supervision of the proper school authorities and a governmental agency acting within the scope of its functions and in events sponsored by the city. (2000 Code, § 16-804)

16-505. Application. (1) Any person seeking issuance of a parade permit shall file an application with the city recorder on forms provided by the city recorder. The city recorder shall place the request for a parade permit on the agenda of the next meeting of the board of mayor and aldermen for action by it in the normal course of business.

(2) The application for a parade permit shall be filed in writing with the city recorder not less than thirty (30) days prior to the contemplated parade or five (5) days prior to any regularly scheduled called meeting of the board of mayor and aldermen. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of mayor and aldermen.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address, and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;

(b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(c) The date when the parade is to be conducted;

(d) The route to be traveled, the starting point, and the termination point;

(e) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;

- (f) The hours when the parade will begin and end;
- (g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (h) The location by streets of any assembly area(s);
- (i) The time at which units of the parade will begin to assemble at any assembly area(s);
- (j) The interval of space to be maintained between units of the parade;
- (k) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person; and
- (l) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Pulaski.

(4) The board of mayor and aldermen shall decide whether to grant the application for a permit. The board of mayor and aldermen may consult with the chief of police in making their decision.

(5) The board of mayor and aldermen in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order. (2000 Code, § 16-805)

16-506. Standards for issuance. (1) The mayor and board of aldermen shall issue a parade permit upon consideration of the application and other information obtained when they find that:

- (a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;
- (b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire, or ambulance services;
- (c) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;
- (d) The applicant has satisfied the bond requirement; and
- (e) No other permit has been granted for the same day.

(2) A permit shall be granted to the first person properly applying under the requirements of this chapter.

(3) No permit shall be granted for a parade, except those which will be held between the hours of 6:00 A.M. and 12:00 midnight prevailing time.

(4) No permit shall be granted to any person until the applicant has posted in advance a two hundred fifty dollar (\$250.00) bond to cover the reasonable expenses incurred in the clean up efforts after the parade.

(5) The city recorder shall notify the applicant within five (5) days after the action of the board of mayor and aldermen, whether the permit has been granted or denied. If the permit has been denied, the city recorder shall set forth the reasons why the board of mayor and aldermen denied the permit.

(6) In computing any period of time set out in this chapter, no Saturdays, Sundays, or holidays are to be computed in the time period. (2000 Code, § 16-806)

16-507. Contents of permit. Each parade permit shall state the following:

- (1) Assembly and disassembly time and place;
 - (2) Starting time;
 - (3) The route and the portions of the streets to be traversed that may be occupied by the parade;
 - (4) Minimum speed;
 - (5) Maximum speed;
 - (6) Interval of space between parade units;
 - (7) The maximum length of the parade in miles or fractions thereof;
- and

(8) Other information as the board of mayor and aldermen in cooperation with the chief of police shall find necessary to the enforcement of this chapter. (2000 Code, § 16-807)

16-508. Duties of permittee. (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and chapters.

(2) The permittee shall advise parade participants of such permit requirements.

(3) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.

(4) All permittees who hold a parade permit that includes animals shall be responsible for the clean-up after the animals immediately after the parade.

(5) The applicant shall assure the board that neither the parade nor the assembly point will interfere with or unreasonably obstruct the response capabilities of the firefighting equipment and other emergency response vehicles. (2000 Code, § 16-808)

16-509. Revocation of permit. (1) The board of mayor and aldermen or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:

- (a) Applicant materially misrepresented facts or information in the application; and/or
- (b) Applicant failed to meet the standards for issuance set forth herein.

(2) The board of mayor and aldermen or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(a) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(b) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs. (2000 Code, § 16-809)

16-510. Notice to city officials. Immediately upon the issuance of a parade permit, the city recorder shall send a copy of the permit to the following:

- (1) The mayor;
- (2) The city attorney;
- (3) The fire chief;
- (4) The ambulance authority; and
- (5) The chief of police. (2000 Code, § 16-810)

16-511. Events held in multiple locations permitted. (1) In the event a person seeking to obtain a permit under this chapter desires to "parade" in multiple locations, compliance with the following requirements, in addition to those outlined by this chapter, shall be required.

The chiefs of police and fire certify to the board of mayor and aldermen that the added burden created by the parade's additional locations will not place an unreasonable burden on their respective department's resources.

(2) Approval of a permit which complies with this section shall be left solely to the discretion of the board of mayor and aldermen. (2000 Code, § 16-812)

16-512. Violations and penalty. (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.

(2) It shall be unlawful for any person to participate in a parade on the streets of Pulaski for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(4) Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation. (2000 Code, § 16-811)

CHAPTER 6

CLEAN STREETS AND PUBLIC WAYS

SECTION

16-601. Intent.

16-602. Spilling of material and tracking of debris on public streets.

16-603. Violations and penalty.

16-601. Intent. The spilling of vehicle loads and the tracking of debris on public streets of the city can be a dangerous and unsightly factor that can lead to damage to personal property and deterioration of public streets. The board of mayor and aldermen understands that the *Tennessee Code Annotated*, article 7, chapter 31, section 101, requires the City of Pulaski to keep the city streets in good repair and believes that allowing excessive dirt and debris to accumulate on city streets does not conform with this requirement. Further, the board of mayor and aldermen find that the spilling of vehicle loads and the tracking of debris can be a public nuisance, and recognizes that appropriate measures must be taken to keep public streets free from debris and other materials spilling from vehicles. Debris and other material spilling from vehicles may pose a danger of physical injury and property damage to motorists, pedestrians and other inhabitants of the City of Pulaski, and cause the proliferation of dangerous, unsanitary or unsightly conditions within the city. This enactment is designed to protect, promote and preserve the health, safety and welfare of the citizens of the City of Pulaski, and control blighting and any dangerous, unsanitary or unsightly condition. (2000 Code, § 16-901)

16-602. Spilling of material and tracking of debris on public streets. It shall be unlawful for any property owner or for any person to operate, or permit to be operated, any vehicle upon the public streets of the City of Pulaski that spills material, or that is not free from debris that could be tracked onto the public streets in such a manner as to:

(1) Cause a safety hazard by interfering with the use or observation of any traffic signal, traffic sign, traffic device or street markings;

(2) Obstruct, impede or hinder normal traffic flow of any public street. To obstruct would mean to render passage unreasonably dangerous and/or potentially injurious to property or person;

(3) Create a likelihood that any spilled material or debris, as defined in subsection (5), shall be thrown into a windshield, create a punctured tire or cause any other property damage to any other vehicle, or property damage or personal injury to any person;

(4) Impede the flow of water in gutters or along streets, or that would tend to clog drains, ditches or sewers; or

(5) Create, by the presence of any debris, an unsightly and aesthetically unpleasing condition within the City of Pulaski. "Debris" means the remains of any material broken down and tracked onto any highway by any vehicle including mud, dirt, rocks, brush and any other loose material. (2000 Code, § 16-902)

16-603. Violations and penalty. (1) A violation of § 16-702 by any property owner or any other person shall be deemed a civil violation and shall be punishable by a fine not to exceed fifty dollars (\$50.00).

In addition to the fine prescribed above, the property owner or any other person operating or permitting the operation of a motor vehicle in violation of § 16-702 shall immediately cause the public street to be cleared of spilled material or debris, as defined herein. If traffic or other conditions are such that it would not be safe to remove the spilled material or debris, the person responsible for the spilled material or debris shall immediately notify the police department and request assistance.

(2) Upon a second violation of § 16-702, in addition to the penalties referenced in § 16-703(1), the chief of police, or a member of the police department he designates, shall investigate the alleged violation, and if after such investigation determines that there is a violation of § 16-702, then he shall issue, or cause to be issued, a "notice of violation" to the property owner or other person operating or permitting a motor vehicle to be operated in violation of this enactment.

The "notice of violation" shall be delivered to the property owner or other person operating or permitting the operation of a motor vehicle to be driven in violation of this enactment during normal business hours (9:00 A.M. to 5:00 P.M., Monday through Friday). The "notice of violation" shall state with specificity which subsection was violated, the date the violation occurred, the reason for the violation and the remedy that the City of Pulaski expects to be undertaken by the property owner or other person.

The "notice of violation" shall further state that the property owner or other person receiving the notice shall have eight (8) hours to bring the public street into compliance with this enactment, with such compliance to be confirmed by the chief of police, or a member of the police department he designates.

If after the expiration of eight (8) hours, the public street remains in violation of § 16-702, "no access" notices shall be placed at all points of egress of the offending premises to the street in violation, from which a violation has been allowed to occur. Nothing in this part shall be construed to prevent vehicles and equipment from leaving the offending premises for the purpose of achieving compliance with this enactment. These notices shall remain in place until such time as the chief of police, or a member of the police department he designates, confirms compliance with this enactment.

All reasonable efforts should be made by the City of Pulaski and any property owner or other person receiving the "notice of violation" to act responsibly and timely to achieve compliance with this enactment. The purpose of closing streets pursuant to this part is not to punish offending property owners, but rather to ensure that dirt and debris does not continue to be tracked or spilled upon the city streets during their cleanup. The closing of any public street pursuant to this enactment serves to ensure that minimal disruption of traffic and business occurs as a result of a violation of this enactment.

With respect to the receipt of three (3) or more "notices of violation" within a six (6) month period for a violation of § 16-702(1) to (5), the property owner or any other person operating or permitting the operation of a motor vehicle in conflict with this enactment shall be required to submit an action plan to the board of mayor and aldermen within seven (7) days before the next regularly scheduled meeting. The action plan shall provide the reason for the violations, efforts made to get the public street into compliance, and any proposed remediation plans to prevent future noncompliance.

Nothing in this part shall be construed to prevent the chief of police, or a member of his department, from consulting with the Pulaski Street Department to assist him in determining whether a violation of § 16-702(4) has occurred.

(3) Each day any violation of this section occurs shall constitute a separate offense.

(4) If it becomes necessary for the City of Pulaski to remove any spilled material or debris, the property owner or other person responsible shall be required to pay all reasonable costs incurred by the City of Pulaski for such removal. (2000 Code, § 16-903)

TITLE 17**REFUSE AND TRASH DISPOSAL¹****CHAPTER****1. REFUSE.****CHAPTER 1****REFUSE****SECTION**

- 17-101. Supervision of collection and disposal.
- 17-102. Definitions.
- 17-103. Premises to be kept clean.
- 17-104. Storage.
- 17-105. Location of containers.
- 17-106. Disturbing containers.
- 17-107. Frequency of collection.
- 17-108. Service fees for collection, removal, and disposal.
- 17-109. Special collection services.
- 17-110. Special rules, regulations, and charges authorized for certain refuse.
- 17-111. Exceptions.
- 17-112. Implementing authority of street and sanitary department.
- 17-113. Violations and penalty.

17-101. Supervision of collection and disposal. The street and sanitary department shall be responsible for the collection and disposal of all refuse and the general sanitation of the city. (2000 Code, § 17-101, as amended by Ord. #04-2024, April 2024)

17-102. Definitions. "Refuse" means all garbage, rubbish, and waste, as those terms are generally defined, except that dead animals and fowls (other than household pets) and body wastes are expressly excluded therefrom and shall not be stored therewith. (2000 Code, § 17-102)

¹Municipal code reference

Property maintenance regulations: title 13.

17-103. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, except when stored as provided in this chapter. (2000 Code, § 17-103)

17-104. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the city where refuse accumulates, or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. Refuse containers shall have a capacity of ninety (90) gallons and shall be constructed so as to be compatible with the mechanical garbage collection compactors, and the combined weight of any refuse container and its contents shall not exceed four hundred (400) pounds. These containers shall be of the type approved by the City of Pulaski and shall be strong, durable, on wheels, and rodent and insect proof. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids.

No garbage pick-up will be made by the city of any fifty-five (55) gallon metal drums. (2000 Code, § 17-104)

17-105. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city's refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied (which in no event shall be longer than twenty-four (24) hours), they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (2000 Code, § 17-105)

17-106. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public anti-litter cans for the deposit of refuse commonly recognized as litter. (2000 Code, § 17-106)

17-107. Frequency of collection. The street and sanitary department is authorized and directed to prepare schedules for regular collection of refuse throughout the city. Refuse shall be collected in accordance with announced schedules and as often as reasonably necessary to protect against health and fire hazards. (2000 Code, § 17-108)

17-108. Refuse collection fees. Refuse collection fees shall be at such rates as are from time to time set by the board of mayor and aldermen by resolution.¹

17-109. Special collection services. The street and sanitary department may provide other collection and removal services to meet unusual circumstances and conditions, in accordance with regulations and fees recommended by it and approved by the municipal governing body. (2000 Code, § 17-110)

17-110. Special rules, regulations, and charges authorized for certain refuse. Collection, removal, and disposal of the following types of refuse shall be subject to reasonable rules and regulations and special charges recommended by the street and sanitary department:

- (1) Building or construction debris;
- (2) Trees, tree trimmings, leaves, lawn clippings, etc.;
- (3) Dangerous materials or substances, such as poisons, acids, or caustics, or refuse which is highly infectious or combustible; and
- (4) Junk automobiles and other bulk items.

A fee of seventy-five dollars (\$75.00) per ton shall be charged for all persons using the demolition landfill. (2000 Code, § 17-112, modified)

17-111. Exceptions. Nothing in this chapter shall prevent:

- (1) Any refuse producer from collecting, removing, and disposing of his own refuse; provided he does so in such manner as not to create a nuisance; and provided further that he pays all applicable disposal fees; or
- (2) Any refuse producer or owner from selling or giving salvageable materials to licensed junk dealers for collection, removal, and disposal. (2000 Code, § 17-113)

17-112. Implementing authority of street and sanitary department. The collection, removal, and disposal of refuse from premises in the city shall be under the supervision and control of the street and sanitary department. It shall recommend to the governing body such reasonable rules and regulations, not inconsistent with the provisions of this chapter, as it deems to be necessary or desirable, which shall become effective when approved by resolution of the governing body. (2000 Code, § 17-114)

17-113. Violations and penalty. Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the street

¹Administrative resolutions are of record in the office of the recorder.

and sanitary department shall be subject to a penalty under the general penalty clause for this municipal code.

It shall further be a violation of this chapter if any nonresident of the City of Pulaski is found dumping in any dumping receptacle provided by various commercial establishments within the corporate limits for the disposition of their garbage which ultimately ends up in the landfill or is found bringing garbage and placing the same in any area of the City of Pulaski in any private garbage or refuse receptacle intended for ultimate disposition in the landfill. This provision is cumulative with other ordinances of the City of Pulaski concerning refuse and litter. (2000 Code, § 17-115)

TITLE 18**WATER AND SEWERS¹****CHAPTER**

1. WATER.
2. SEWERS.
3. SEWAGE.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1**WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Service lines.
- 18-107. Main extensions to developed areas.
- 18-108. Main extensions to other areas.
- 18-109. Variances from and effect of preceding rules as to extensions.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Schedule of rates.
- 18-113. Multiple services through a single meter.
- 18-114. Billing.
- 18-115. Discontinuance or refusal of service.
- 18-116. Re-connection charge.
- 18-117. Termination of service by customer.
- 18-118. Access to customers' premises.
- 18-119. Inspections.
- 18-120. Customer's responsibility for system's property.
- 18-121. Customer's responsibility for violations.
- 18-122. Supply and resale of water.
- 18-123. Unauthorized use of or interference with water supply.
- 18-124. Limited use of unmetered private fire line.

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

- 18-125. Damages to property due to water pressure.
- 18-126. Liability for cut-off failures.
- 18-127. Restricted use of water.
- 18-128. Interruption of service.
- 18-129. Limit on service outside corporate limits.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (2000 Code, § 18-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.

(2) "Discount date" means the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(4) "Household" means any two (2) or more persons living together as a family group.

(5) "Premises" means any structure or group of structures operated as a single business or enterprise; provided, however, the term "premises" shall not include more than one (1) dwelling.

(6) "Service line" means the pipe line extending from any water main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box. (2000 Code, § 18-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (2000 Code, § 18-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to provide proof of property ownership or rental agreement and sign a standard form contract before service is supplied. A fifty dollar (\$50.00) cut-on fee shall be paid prior to service being established. In the event the service is discontinued or terminated due to lack of payment for such utility service, an additional fifty dollars (\$50.00) cut-on fee shall be required each time the utility service is established. (2000 Code, § 18-104, modified)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service, in addition to the regular charge for water used. (2000 Code, § 18-105)

18-106. Service lines. The municipality shall be responsible for the maintenance and upkeep of service lines from the main to and including the meter and meter box, and such portion of the service lines shall belong to the municipality. The remaining portion of service lines beyond the meter box shall belong to and be the responsibility of the customer. (2000 Code, § 18-106)

18-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of five hundred feet (500') or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one (1) minimum monthly bill for each one hundred feet (100'), or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit, as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the municipality at which times pro rata amounts of the cash deposit shall also be returned to the depositors. (2000 Code, § 18-107)

18-108. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable; customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section, cement-lined cast iron pipe, class 150 American Water Works Association Standard, not less than six inches (6") in diameter, shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than five hundred feet (500') from the farthest point of a building measured from existing roadways; cement-lined cast iron pipe two inches (2") in diameter, to supply dwellings only, may be used to supplement

such lines. All such lines shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water system, and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (2000 Code, § 18-108)

18-109. Variances from and effect of preceding rules as to extensions. Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions, as shall be approved by a majority of the members of the governing body.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (2000 Code, § 18-109)

18-110. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (2000 Code, § 18-110)

18-111. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city.

18-112. Schedule of rates.¹ All water and sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance.

18-113. Multiple services through a single meter. (1) No customer shall supply water service to more than one (1) dwelling or premises from a single service line and meter without having first obtained the written permission of the municipality. Every single service unit within the corporate limits of the City of Pulaski, or to which the city delivers water outside the corporate limits, shall have a meter and shall be responsible for the water tap fees in accordance with the schedule of rates and charges as provided in this chapter, as the same may, from time to time, be amended.

(2) No water tap may be made on any premises not connected to the sewer lines of the City of Pulaski, where the same can be made available.

(3) Where the municipality deems it feasible and proper, it may allow more than one (1) dwelling or premises to be served through a single service line and meter. The amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premises. The water charge for each such dwelling or premises thus served, shall be computed just as if each dwelling or premises had received through a separately metered service, the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule including the provisions as to minimum bills. The separate charges for

¹Administrative ordinances are of record in the office of the recorder

each dwelling or premises serviced through a single service line and meter shall then be added together and the sum thereof shall be billed to the customer in whose name the service is supplied.

(4) In addition to those who make special applications to the board, in accordance with the foregoing subsection, all publicly financed housing developments, such as those that come under the jurisdiction of the Pulaski Housing Authority, including public housing, leased housing, and turn-key housing, shall be governed by the foregoing subsection.

(5) All trailer parks or housing units that are already in existence at the time of the passage of this section shall have ninety (90) days from the effective date hereof (September 21, 1971) within which to come into compliance upon payment in accordance with the appropriate schedules.

(6) It is the legislative intent of the mayor and aldermen, in the adoption of this section, to require that every dwelling unit, whether duplex or multiple, and every business house where two (2) or more businesses are carried on be put on a single meter, except as hereinabove set out. (2000 Code, § 18-113)

18-114. Billing. Bills for residential, commercial, and industrial service will be rendered monthly.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available.

Notwithstanding any other provision of law to the contrary, if water usage is inaccurately recorded or registered and such inaccuracy results in the customer being undercharged or overcharged, the city shall be authorized to collect or assess a charge for the unpaid water usage or to reimburse the

customer for overpayment of such usage, for a period not to exceed the prior twenty-four (24) months from the date the error is discovered or billed. (2000 Code, § 18-114, modified)

18-115. Discontinuance or refusal of service. The city administrator or his designee shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (2000 Code, § 18-115, modified)

18-116. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of fifty dollars (\$50.00) and the amount of the delinquent bill shall be collected by the municipality before service is restored. (2000 Code, § 18-116, modified)

18-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect, unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract.

- (1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of the premises to which service has been ordered discontinued by a customer, other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name, upon the occupant's complying with these rules and regulations with respect to a new application for service. (2000 Code, § 18-117)

18-118. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (2000 Code, § 18-118)

18-119. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (2000 Code, § 18-119)

18-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to care for it properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (2000 Code, § 18-120)

18-121. Customer's responsibility for violations. Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (2000 Code, § 18-121)

18-122. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the municipality. (2000 Code, § 18-122)

18-123. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality, nor shall he attach to any municipal water supply pipe without permission. It is declared to be a violation of the criminal code of the City of Pulaski to do any of the above mentioned acts finable by the city judge in the sum not exceeding fifty dollars (\$50.00). (2000 Code, § 18-123)

18-124. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (2000 Code, § 18-124)

18-125. Damages to property due to water pressure. The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (2000 Code, § 18-125)

18-126. Liability for cut-off failures. The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used, but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut-off water service, the municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service, but such service has not been completely cut off.

(3) The municipality has completely cut off a service, but subsequently, the cut-off develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cut-off failures. If a customer wishes to avoid possible damage for cut-off failures, the customer shall rely exclusively on

privately owned cut-offs and not on the municipality's cut-off. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (2000 Code, § 18-126)

18-127. Restricted use of water. In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (2000 Code, § 18-127)

18-128. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (2000 Code, § 18-128)

18-129.¹ Limit on service outside corporate limits. No line for delivery of water to customers beyond the corporate limits of the City of Pulaski, Tennessee, except for industrial usage in the industrial park. (2000 Code, § 18-129)

¹Municipal code reference
Plumbing code: title 12, chapter 2.

CHAPTER 2

SEWERS^{1, 2}

SECTION

- 18-201. General provisions.
- 18-202. General sewer use requirements.
- 18-203. Pretreatment of wastewater.
- 18-204. Fees.
- 18-205. Individual wastewater discharge permits and general permits.
- 18-206. Individual wastewater discharge and general permit issuance.
- 18-207. Reporting requirements.
- 18-208. Compliance monitoring.
- 18-209. Confidential information.
- 18-210. Publication of users in significant noncompliance.
- 18-211. Administrative enforcement remedies.
- 18-212. Judicial enforcement remedies.
- 18-213. Affirmative defenses to discharge violations.
- 18-214. Miscellaneous provisions.

18-201. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Pulaski, Tennessee, hereinafter referred to as "the city" or control authority. The control authority is the City of Pulaski and enables the city to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972, being 33 U.S.C. §§ 1251 *et seq.*, and its subsequent amendment, and the general pretreatment regulations (40 CFR part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

¹Municipal code reference

Plumbing code: title 12, chapter 2.

²Appendices A, B, and C are located at the end of the chapter.

(c) To protect both the POTW system personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To improve the opportunity to recycle and reclaim wastewaters and sludge from the POTW system;

(e) To provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW system; and

(f) To enable the City of Pulaski Wastewater Treatment Plant to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW system is subject.

This chapter provides for the regulation of contributors to the POTW system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees and charges for the equitable distribution of costs relating to the administration, operation, maintenance, amortization of debt and depreciation of the POTW.

This chapter shall apply to the City of Pulaski and to persons outside the city who are, by contract or agreement with the control authority, users of the City of Pulaski's POTW. Except as otherwise provided herein, the mayor or his representative shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the mayor may be delegated by the mayor to a duly authorized representative of the city.

(2) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meaning hereinafter designated.

(a) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251, *et seq.*

(b) "Approval authority." The Tennessee Division of Water Pollution Control Director or the director's representative.

(c) "Authorized or duly authorized representative of the user."

(i) If the user is a corporation:

(A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(B) The manager of one (1) or more manufacturing, production, or operating facilities; provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment

recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(iii) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(iv) The individuals described in subsections (i) through (iii) above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(d) "Best Management Practices (BMPs)." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-202(3)(a) and (b) (Tennessee Rule 0400-40-14-.05(1) and (2)). "BMPs" include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. "BMPs" also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

(e) "Biochemical Oxygen Demand (BOD₅)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees Centigrade (20°C) expressed in terms of weight (lbs) and/or concentration (mg/l).

(f) "Building drain." The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building, and conveys it to the building sewer beginning five feet (5') outside the inner face of the building wall.

(g) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(h) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.

(i) "Categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471.

(j) "Chemical Oxygen Demand (COD)." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(k) "Chronic violation." Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(l) "City." City of Pulaski.

(m) "Combined sewer." A sewer receiving both sewage and surface run-off from down spouts, storm sewers and surface or groundwater.

(n) "Control authority." The Board of Mayor and Aldermen of the City of Pulaski, Tennessee or a duly authorized representative of the City of Pulaski.

(o) "Conventional pollutants." Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, flow, and pH (40 CFR § 401.16).

(p) "Cooling water." The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(q) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(r) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where "daily maximum limits" are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where "daily maximum limits" are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(s) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(t) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater

and used for residential purposes only and/or restroom wastes from commercial, institutional and industrial users.

(u) "Environmental Protection Agency (EPA)." The U.S. Environmental Protection Agency, or where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

(v) "Existing source." Any source of discharge that is not a "new source."

(w) "Grab sample." A sample that is collected from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(x) "Grease interceptor." An interceptor whose rated flow exceeds fifty (50) gpm and is located outside the building.

(y) "Grease trap." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.

(z) "Holding (septic) tank waste." Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(aa) "Indirect discharge" or "discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b), (c), or (d) of the Act, into the POTW (including, holding tank waste discharged into the system).

(bb) "Individual wastewater discharge permit" or "general permit." As set forth in § 18-205 of this chapter.

(cc) "Industrial User (IU)" or "user." A source of non-domestic waste. Any non-domestic source discharging pollutants to the POTW.

(dd) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(ee) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(ff) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(gg) "Local limit." Specific discharge limits developed and enforced by the control authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-40-14-.05(1) and (2).

(hh) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(ii) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(jj) "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(kk) "National Pollutant Discharge Elimination System" or "NPDES permit." A permit issued to a POTW pursuant to section 402 of the Act.

(ll) "National pretreatment standard" or "pretreatment standard" or "standard." Any regulation containing pollutant discharge limitations promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act which applies to industrial users. This term includes prohibitive discharge limitations established to Tennessee Rule 0400-40-14-.05(1) and (2).

(mm) "National prohibitive discharges." Prohibitions applicable to all non-domestic dischargers regarding the introduction of pollutants into POTWs set forth in 40 CFR § 403.5.

(nn) "New source."

(i) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national pretreatment standards under section 307(c) of the Act, being 33 U.S.C. § 1317(c), which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(A) The building, structure, facility or installation is constructed at a site at which no other source is located;

(B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent as to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(ii) Construction on the site at which an existing source is located results in a modification, rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of the aforementioned, but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) "Construction of a new source" as defined under this subsection has commenced if the owner or operator has:

(A) Begun, or caused to begin as part of a continuous on-site construction program:

(1) Any placement, assembly or installation of facilities or equipment; or

(2) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

(oo) "Non-contact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(pp) "North American Industry Classification System (NAICS)." A classification pursuant to the *North American Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 2007.

(qq) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement or the city's NPDES permit, including an increase in the magnitude or duration of a violation.

(rr) "Person." Any and all persons, including individuals, partnerships, copartnerships, firms, companies, public or private corporations or officers thereof, associations, joint stock companies, trusts, estates, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities organized or existing under the laws of this or any state

or country. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(ss) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution which is the measurement of acidity or alkalinity of a solution.

(tt) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

(uu) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(vv) "Pretreatment." 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. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by Tennessee Rule 0400-40-14. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 1200-4-14.06(5).

(ww) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on a user, including, but not limited to, discharge, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

(xx) "Pretreatment standards" or "standards." Prohibited discharge standards, categorical pretreatment standards, and local limits.

(yy) "Process wastewater." Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(zz) "Process wastewater pollutants." Pollutants present in process wastewater.

(aaa) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-202 of this chapter.

(bbb) "Publicly Owned Treatment Works (POTW)." A treatment works, as defined by section 212 of the Act (33 U.S.C. § 1292), which is owned by the City of Pulaski, Tennessee. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. 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 control authority, users of the POTW.

(ccc) "POTW treatment plant," "wastewater treatment plant," or "treatment plant." The portion of the POTW designed to provide treatment to wastewater.

(ddd) "Sanitary sewer." A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground-storm, and surface waters that are not admitted intentionally.

(eee) "Shall" is mandatory; "may" is permissive.

(fff) "Significant Industrial User (SIU)." Except as provided in subsections (2)(fff)(iii) and (2)(fff)(iv) of this section, a significant industrial user is:

(i) All industrial users subject to categorical pretreatment standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N;

(ii) Any other industrial user that:

(A) Discharges an average of twenty-five thousand (25,000) gallons more per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;

(B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(C) Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with Tennessee Rule 0400-40-14).

(iii) The control authority may determine that an industrial user subject to categorical pretreatment standards under Tennessee Rule 1200-4-14-.06 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user,

rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons per day (100 gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(A) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(B) The industrial user annually submits the certification statement(s) required in section § 18-207(14) (Tennessee Rule 1200-4-14-.12(17)), together with any additional information necessary to support the certification statement; and

(C) The industrial user never discharges any untreated concentrated wastewater.

(iv) Upon finding that a user meeting the criteria in subsection (2)(fff)(ii) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user is not a "significant industrial user."

(ggg) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements which meet one (1) or more of the following criteria:

(i) Violations of wastewater discharge limits:

(A) Chronic violations;

(B) Technical Review Criteria (TRC) violations;

(C) Any other violation(s) of an industrial wastewater discharge permit or general permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass through; or endangered the health of the POTW personnel or the public; or

(D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(ii) Violations of compliance schedule milestones, contained in an enforcement order by ninety (90) days or more after the schedule date. Milestones may include, but not be limited

to, dates for starting construction, completing construction and attaining final compliance;

(iii) Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring reports, ninety (90) day compliance reports and periodic reports) within thirty (30) days from the due date;

(iv) Failure to accurately report noncompliance; and

(v) Violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(hhh) "Significant violation." A violation which remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under 40 CFR §§ 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).

(iii) "Slug control plan." A plan to control slug discharges, which shall include, as a minimum:

(A) Description of discharge practices, including non-routine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this chapter, or 40 CFR § 403.5(b), with procedures for follow-up written notification within five (5) days; and

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

(jjj) "Slug load" or "slug discharge." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-202 of this chapter. A "slug discharge" is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(kkk) "Source." Any activity, operation, construction, building, structure, facility, or installation (permanent or temporary) from which there is or may be the discharge or pollutants.

(lll) "State." State of Tennessee.

(mmm) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(nnn) "Surcharge." A fee charged to industrial users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat.

(ooo) "Technical Review Criteria (TRC) violation." Those in which thirty-three percent (33%) or more of the wastewater samples taken for each pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including "instantaneous limits," as defined by § 18-201(2), multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters, except pH).

(ppp) "Total suspended solids" or "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.

(qqq) "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.

(rrr) "Upset." An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An "upset" does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(sss) "User" or "industrial user." Any person(s), who contributes, causes or permits the contribution of wastewater into the city's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

(ttt) "Wastewater." The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(uuu) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private,

which are contained within, flow through or border upon the state of any portion thereof.

(3) Abbreviations. The following abbreviations shall have the designated meanings:

BOD ₅	Biochemical Oxygen Demand five (5) day
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	<i>Code of Federal Regulations</i>
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil and Grease
gpd	Gallons per day
IU	Industrial User
l	Liter
lb	Pounds
mg	Milligrams
mg/l	Milligrams per liter
NAICS	North American Industry Classification System
NH ₃ -N	Ammonia nitrogen
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act, 42 U.S.C. §§ 6901, <i>et seq.</i>
TSS	Total Suspended Solids
U.S.C.	<i>United States Code</i> (2000 Code, § 18-201, modified,

as amended by Ord. #06-2023, June 2023)

18-202. General sewer use requirements. (1) Use of public sewers. 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 City of Pulaski, or in any area under the jurisdiction of the control authority, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge any wastewater to any waters of the state within the city or in any area under the jurisdiction of the city.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the City of Pulaski.

The owners of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Pulaski, and abutting any street, alley, or right-of-way in which there is now

located or may in the future be located a public sanitary sewer of the POTW, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a building sewer in accordance with the provisions of this chapter within sixty (60) days after official notice to do so. Such connection shall be made at the place and in the manner as directed by the control authority or his representative.

Where a POTW sanitary sewer is not available up to or even with the property line, the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of this chapter and the Tennessee Department of Environment and Conservation, and amended rules, regulations to govern subsurface sewage disposal systems.

The owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade of at least one percent (1%) in the building sewer, but is otherwise accessible to a public sewer as provided in this subsection shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer.

(2) Building sewer and connections. (a) General. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW sanitary sewer or appurtenance thereof without first obtaining a written permit from the control authority.

All costs and expenses incidental to the installation and connection of the building sewer to the POTW sanitary sewer shall be borne by the user. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building, except that where one (1) building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the control authority or his representative, meeting all requirements of this chapter. All others must be sealed to the specifications of the control authority.

(b) Building sewer construction. Building sewers shall conform to the following requirements.

(i) The minimum size of a building sewer shall be six inches (6") for commercial and four inches (4") for residential.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Six inch (6") building sewers shall be laid on a grade of at least one percent (1%). Larger building sewers shall be laid on

a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Slope and alignment of all building sewers shall maintain constant horizontal alignment and vertical grade, except at bends.

(v) Building sewers shall be constructed only of:

(A) Cast iron soil pipe or ductile iron pipe with compression joints; or

(B) Polyvinyl chloride pipe with rubber compression joints.

Under no circumstances will cement mortar joints be acceptable.

(vi) Cleanouts shall be located on building sewers as follows: one (1) located no closer than eighteen inches (18") to the building and no more than five feet (5') outside the building, one (1) at the tap onto the POTW sanitary sewer if the main is on the user side of the street; if the main is on the opposite side of street, the cleanout shall be placed on the right-of-way of the user's property and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a six inch (6") pipe.

(vii) Connections of building sewers to POTW sanitary sewer 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 control authority and/or his representative. 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 POTW sanitary sewer is at a grade of at least one percent (1%) 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 user. In all buildings in which any building drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner/user.

(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 control authority or his representative before installation.

(x) Any installed building sewer shall be gastight and watertight.

(xi) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the control authority.

(xii) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface run-off or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a POTW sanitary sewer.

(c) Inspection of connections. (i) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the control authority and/or his representative before the underground portion is covered.

(ii) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the POTW sanitary sewer. The connection shall be made under the supervision of the control authority or his representative before acceptance.

(d) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on private property to ensure that the building sewer is watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet specifications of the city. If, upon smoke testing or visual inspection by the control authority

or his representative, roof downspout connections, exterior foundation drains, or other sources of rainwater, surface run-off or groundwater entry into the POTW sewer system are identified on building sewers on private property, the control authority may take any of the following actions.

(i) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within sixty (60) days from the date of the written notice and entirely at the expense of the user.

(ii) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and inform the user that the city will provide all labor, equipment and materials necessary to make the repairs required to bring the building sewer within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials, labor and equipment used will be charged to the user. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the user shall be responsible for final landscaping, including, but not limited to, seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work.

(3) Prohibited discharge standards. (a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW, whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

(i) Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter or have a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (sixty degrees Centigrade (60°C)) using the test methods specified in 40

CFR § 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance which the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system;

(ii) 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") or one and twenty-seven hundredths (1.27) centimeters in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, and feathers from slaughterhouses, 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 waxes;

(iii) Any wastewater having a pH less than 5.0 or greater than 10.0;

(iv) Any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(v) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life (acute worker health and safety problems) or are sufficient to prevent entry into the sewers for maintenance and repair;

(vi) Any substance which may cause the POTW's effluent or any other product of the POTW; such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; or 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, being 15 U.S.C. §§ 2601 *et seq.*, or state criteria applicable to the sludge management method being used;

(vii) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(viii) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent that the NPDES permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions;

(ix) Any wastewater heat in amounts which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case, heat in such quantities that the temperature at the POTW exceeds forty degrees Centigrade (40°C) (one hundred four degrees Fahrenheit (104°F));

(x) Any pollutants, including oxygen demanding pollutants, such as BOD₅, NH₃-N, and oil and grease, released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation;

(xi) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations;

(xii) Any wastewater which causes a hazard to human life or creates a public nuisance, including, but not limited to, bandages, syringes or needles;

(xiii) Any wastewater containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between zero degrees Centigrade (0°C) (thirty-two degrees Fahrenheit (32°F)) and forty degrees Centigrade (40°C) (one hundred four degrees Fahrenheit (104°F)) and/or cause interference or pass through at the POTW;

(xiv) Any stormwater, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the control authority and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the control authority and the Tennessee Department of Environment and Conservation to a storm sewer or natural outlet;

(xv) Any trucked or hauled pollutants, except at discharge points designated by the POTW in accordance with § 18-203(4) of this chapter; or

(xvi) Fats, oils, and grease, waste food, and sand. Refer to § 18-202(4) for guidelines.

When the control authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall:

(i) Advise the user of the impact of the contribution on the POTW; and

(ii) Develop effluent limitation(s) for such user to correct the interference with the POTW.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(4) Fats, oils, and grease, waste food, and sand guidelines. Fats, oil, grease, waste food, and sand in the POTW can interfere with the collection system and wastewater treatment facility by causing blockages and plugging of pipelines, problems with normal operation of pumps and their controls, and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.

(a) Interceptors. Fats, Oil, and Grease (FOG), waste food, and sand interceptors shall be installed when, in the opinion of the control authority, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the POTW. Such interceptors shall not be required of single-family residences, but may be required for multiple-family residences. All interceptors shall be of a type and capacity approved by the control authority, and shall be located as to be readily and easily accessible for cleaning and inspection.

(i) Fats, oil, grease, and food waste.

(A) New food service facility. On or after the effective date of this chapter, food service facilities which are newly proposed or constructed shall be required to install, operate and maintain a grease interceptor with a minimum capacity of seven hundred fifty (750) gallons located on the exterior of the building. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility can be obtained for those facilities where inadequate space is available for the installation of a grease interceptor. Design criteria shall conform to the standard in accordance with any provisions of the plumbing code as adopted by the City of Pulaski and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines.

(B) Existing food service facilities. On or after the effective date of this chapter, existing food service facilities or food service facilities which will be expanded or renovated shall install a grease trap or grease interceptor when, in the opinion of the control authority, necessary for the control of FOG and food waste. Upon notification, the facility must be in compliance within ninety (90) days (unless due case of hardship may be proven). The facility must service and maintain the equipment in order to prevent adverse impact upon the POTW. If, in the opinion of the control authority, the user continues to impact the POTW, additional pretreatment measures may be required.

(ii) Sand, soil, and oil. All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors when directed by the control authority. These interceptors shall be sized to effectively remove sand, soil, and oil at the proper flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the POTW. Owners whose interceptors are deemed to be ineffective by the control authority may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewer.

(iii) Laundries. Where directed by the control authority, commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the POTW of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

The equipment or facilities installed to control FOG, food waste, sand, and soil shall be designed in accordance with plumbing code and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer and the accumulation of FOG in the POTW. If the control authority is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the control authority. Nothing in this section shall be construed to

prohibit or restrict any other remedy the control authority has under this chapter or state or federal law.

The control authority retains the right to inspect and approve installation of the control equipment.

There shall be no charge for random inspections conducted by the control authority personnel on traps or interceptors. If a trap or interceptor has to be reinspected because of deficiencies found during the previous inspection by the control authority personnel, and all of the deficiencies have been corrected, there shall be no charge for the reinspection. If all of the deficiencies have not been corrected, a first reinspection fee of fifty dollars (\$50.00) shall be charged to the facility. If a second reinspection is required, a second reinspection fee of one hundred fifty dollars (\$150.00) shall be charged to the facility if all of the deficiencies have still not been corrected. If three (3) or more reinspections are required, a reinspection fee of three hundred dollars (\$300.00) for each successive reinspection shall be charged to the facility, in addition to other enforcement actions if all of the deficiencies have not been corrected.

(b) Solvents. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.

(5) National categorical pretreatment standards. Users must comply with the categorical pretreatment standards for new and existing sources set out in 40 CFR chapter I, subchapter N, parts 405-471, and shall serve as the minimum requirements.

(a) Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits in accordance with subsections (5)(e) and (5)(f) below, as allowed at 40 CFR § 403.6(c).

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to the individual industrial users as allowed at 40 CFR § 403.6(c)(2).

(c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the control authority shall impose an alternate limit in accordance with Tennessee Rule 0400-40-14.

(d) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following subsections of this section as allowed at 40 CFR § 403.15.

(i) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake

water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of subsection (5)(d)(ii) of this section are met.

(ii) Criteria. (A) Either:

(1) The applicable categorical pretreatment standards contained in 40 CFR chapter I, subchapter N specifically provide that they shall be applied on a net basis; or

(2) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in absence of pollutants in the intake waters.

(B) Credit for generic pollutants, such as Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and oil and grease shall not be granted, unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(C) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring (at the persons applying for credit, expense) may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(D) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The control authority may waive this requirement if it finds that no environmental degradation will result.

(e) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the control authority. The city may establish equivalent mass limits only

if the industrial user meets all the conditions set forth in subsections (5)(e)(i)(A) through (5)(e)(i)(E) below.

(i) To be eligible for equivalent mass limits, the industrial user must:

(A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit or general permit;

(B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

(C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(E) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(ii) An industrial user, subject to equivalent mass limits must:

(A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(B) Continue to record the facility's flow rates through the use of a continuous flow monitoring device;

(C) Continue to record the facility's production rates and notify the control authority whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in subsection (5)(e)(i)(C). Upon notification of a revised production rate, the control authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(D) Continue to employ the same or comparable water conservation methods and technologies as those

implemented pursuant to subsection (5)(e)(i)(A), as long as it discharges under an equivalent mass limit.

(iii) When developing equivalent mass limits, the control authority:

(A) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pre-treatment standard and the appropriate unit conversion factor;

(B) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(C) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit or general permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to subsection (10). The industrial user must also be in compliance with § 18-213(3) regarding the prohibition of bypass.

(f) The control authority may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the control authority. When converting such limits, the control authority will use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited in subsection (10) below (see 40 CFR § 403.6(d)). In addition, the control authority will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR § 403.6(c)(7)).

(g) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this subsection (5) in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(h) Many categorical pretreatment standards specify one (1) limit for calculating maximum daily discharge limitations and a second for calculating monthly average, or four (4) day average, limitations.

Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(i) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the control authority within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

(6) Modification of national pretreatment standards. If the POTW system achieves consistent removal of pollutants limited by the national pretreatment standards, the city may apply to the approval authority for modifications of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 CFR § 403.7(a)(3)(ii), part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the national pretreatment standards if the requirements continued in 40 CFR § 403.7 are fulfilled and approval is obtained from the approval authority.

(7) State pretreatment standards. Users must comply with Tennessee pretreatment standards codified at *Tennessee Code Annotated*, §§ 69-3-101, *et seq.* and 4-5-201, *et seq.*

(8) Local limits. (a) The control authority is authorized to establish local limits pursuant to Tennessee Rule 0400-40-14-.05(3).

(b) Specific pollutant limitations. Pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the limits for each pollutant. Refer to Appendix A¹ (latest revision), Table A1: Specific Pollutant Limitations for a list of the specific pollutants and respective concentrations.

(c) Criteria to protect the POTW treatment plant influent. The control authority and/or his designated representative shall monitor the POTW treatment plant influent for each parameter in Table A2: Criteria to Protect the POTW Treatment Plant Influent contained in Appendix A (latest revision). Analyses for all pollutants listed at Table A2 shall be

¹Appendix A is located at the end of this chapter.

conducted in accordance with the requirements of 40 CFR part 136 or equivalent methods approved by the United States Environmental Protection Agency. All users shall be subject to the reporting and monitoring requirements set forth in § 18-207, reporting requirements, and § 18-208, compliance monitoring, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the board of mayor and aldermen such remedial measures as are necessary, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same, or in the event changes are needed for more effective operation of the POTW.

(d) Conventional pollutants. (i) BOD₅, TSS and NH₃-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and ammonia nitrogen (NH₃-N). If a user discharges concentrations of these pollutants in excess of the criteria to protect the POTW treatment plant influent listing in Table A2 at Appendix A (latest revision) of this chapter, added operation and maintenance costs will be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in Table A2 at Appendix A (latest revision) of this chapter for any of the conventional pollutants, such as BOD₅, TSS, and/or NH₃-N will be subject to a surcharge. The formula for this surcharge is listed in § 18-204(3) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for BOD₅, TSS and/or NH₃-N on the user if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(ii) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

If a user discharges concentrations of total oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in Appendix A of this chapter for total oil and grease, added operation and maintenance cost will be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the

criteria to protect the POTW treatment plant influent listed in Appendix A for total oil and grease will be subject to a surcharge. The formula for this surcharge is listed in § 18-204(3) of this chapter. The city reserves the right to, at any time, place specific mass or concentration limits for total oil and grease on the user if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(e) The control authority and/or his designated representative may develop Best Management Practices (BMPs), in individual wastewater discharge permits or general permits, to implement local limits and the requirements of subsection (3).

(9) The city's right of revision. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits or general permits, more stringent standards or requirements on users of the POTW system, if deemed necessary to comply with the objectives presented in this chapter.

(10) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The control authority and/or his designated representative may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(11) Accidental discharges. (a) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No industrial user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall be within twenty-four (24) hours of becoming aware of the violation and shall include location of discharge, type of waste, concentration and volume, and corrective actions. The industrial user

shall repeat the sample within five (5) days, perform an analysis, and report the results of the sample analysis to the control authority within thirty (30) days of becoming aware of the violation ((40 CFR § 403.12)(g)).

(i) Written notice. Within five (5) days following an accidental discharge, the industrial user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any penalties, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(ii) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial users shall ensure that all employees who may cause such a dangerous discharge to occur or may suffer such are advised of the emergency notification procedure. (2000 Code, § 18-202, modified)

18-203. Pretreatment of wastewater. (1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-202 of this chapter within the time limitations specified by EPA, the state, or the control authority and/or his designated representative, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(2) Additional pretreatment measures. (a) Whenever deemed necessary, the control authority and/or his designated representative may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(b) The control authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or general permit may be solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the control authority and/or his designated representative, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the control authority and/or his designated representative, shall comply with § 18-202(4) of this chapter, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with § 18-202(4) by the user at their expense.

(d) Users with potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(3) Accidental discharge/slug discharge control plans. The control authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The control authority may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the control authority may develop such a plan for any user at the user's expense. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals (which shall include cleaning supplies);

(c) Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by § 18-207(6) of this chapter; and

(d) Procedures to prevent adverse impact from any incidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response.

(4) Hauled wastewater. (a) Septic tank waste may be introduced into the POTW only at locations designated by the control authority, and as such times as established by the control authority and/or his designated representative. Such waste shall not violate § 18-202 of this chapter or

any other requirements established by the control authority. The control authority may require septic tank haulers to obtain individual wastewater discharge permits or general permits.

(b) The control authority may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The control authority may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The control authority may also prohibit disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(c) Industrial waste haulers may discharge loads only at locations designated by the control authority and/or his designated representative. No load may be discharged without prior consent of the control authority and/or his designated representative. The control authority and/or his designated representative may collect samples of each hauled load to ensure compliance with applicable standards. The control authority and/or his designated representative may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (2000 Code, § 18-203)

18-204. Fees. (1) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees are set forth by the city's schedule of charges and fees.

(2) Charges and fees. The city may adopt charges and fees which may include:

(a) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;

(b) Fees for monitoring, inspections and surveillance procedures associated with users;

(c) Fees for reviewing accidental/slug discharge procedures/control plans and construction plans and specifications for industrial users;

(d) Fees for permit applications;

(e) Fees for FOG plan submittals;

(f) Fees for inspection of building sewer connections;

- (g) Fees for cleaning/removing stoppages from FOG, sand, soil, oil, and laundry interceptors;
- (h) Fees for filing appeals of enforcement actions taken by the city;
- (i) Fees for treating conventional pollutants discharged to the POTW by users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;
- (j) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW; and
- (k) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city. (As a matter of convenience, the rate schedule is attached as Appendix B¹ which is subject to revision.)

(3) Surcharge fees. If an industrial user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants BOD₅, TSS, and/or oil and grease in Table A2 of Appendix A (latest revision), additional operation and maintenance costs will be incurred by the City of Pulaski. Therefore, any user who discharges in excess of the limits for any of these parameters will be subject to a surcharge. Surcharges shall be in addition to normal user fees. The formula for this surcharge is listed below.

$$\left\{ \left(\text{Sewer Bill for Monthly Usage} \times \frac{\text{Actual average parameter concentration(mg/L)}}{\text{Monthly Average parameter Limitation(mg/L)}} \right) - \text{Sewer Bill for Monthly Usage} \right\}$$

As an alternate formula, the City of Pulaski may calculate surcharge fees based on actual cost caused by the discharge of excessive strength conventional pollutants. The City of Pulaski also reserves the right to, at any time, place limits which may not be exceeded on the industrial user's discharge if the industrial user's discharge of the excessive strength wastewater causes the

¹Appendix B is located at the end of this chapter.

POTW treatment plant to violate its NPDES permit. Refer to Appendix C: Surcharge fees¹ (latest revision) for individual formulas.

(4) Annual review of operation and maintenance charges. The control authority shall review, not less often than every year, the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The control authority shall revise the charges for users or user classes to accomplish the following:

- (a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
- (b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
- (c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(5) Notwithstanding any other provision of law to the contrary, if wastewater services, including any fees relative to surcharges or connection costs or for the collection, removal and disposal of wastewater are inaccurately recorded or registered, and such inaccuracy results in the customer being undercharged or overcharged, the city shall be authorized to collect or assess a charge for the unpaid wastewater services or to reimburse the customer for overpayment of such services, for a period not to exceed the prior twenty-four (24) months from the date the error is discovered or billed. (2000 Code, § 18-204)

18-205. Individual wastewater discharge permits and general permits. (1) Wastewater analysis. When requested by the control authority and/or his designated representative, a user must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The control authority or his designated representative is authorized to prepare a form for this purpose and may periodically require users to update this information.

There shall be two (2) classes of building sewer permits:

- (a) For connection of residential, commercial and institutional users to the POTW; and
- (b) For connection of industrial users to the POTW.

In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the City of Pulaski. The permit application shall be supplemented by any plans, specifications, or other information considered

¹Appendix C is located at the end of this chapter.

pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the City of Pulaski at the time the application is filed as set out in the City of Pulaski's schedule of charges and fees.

(2) Individual wastewater discharge and general permit requirement.

(a) No significant industrial user shall discharge wastewater to the POTW without first obtaining an individual wastewater discharge permit or general permit from the control authority, except that a significant industrial user that has filed a timely application pursuant to subsection (3) may continue to discharge for the time period specified therein.

(b) The control authority may require other users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this chapter.

(c) Any violation of the terms and conditions of an individual wastewater discharge permit or general permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-211 through 18-213 of this chapter. Obtaining an individual wastewater discharge permit or general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements with any other requirements of federal, state, and local law.

(3) Individual wastewater discharge and general permitting; existing connections. Any user required to obtain an individual wastewater discharge permit or general permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future shall, within thirty (30) days after said date, apply to the control authority for an individual wastewater discharge permit or general permit in accordance with subsection (5), and shall not cause or allow discharges to the POTW to continue after forty-five (45) days of the effective date of this chapter, except in accordance with an individual wastewater discharge permit or general permit issued by the control authority.

(4) Individual wastewater discharge and general permitting; new connections. Any user that is required to obtain an individual wastewater discharge permit or general permit who proposes to begin or recommence discharging into the POTW, must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with subsection (5), must be filed ninety (90) days prior to the date upon which any discharge will begin or recommence.

(5) Individual wastewater discharge and general permit application contents. (a) General. All users that are required to obtain an individual wastewater discharge permit or general permit must submit a permit application. Users that are eligible, may request a general permit under subsection (6).

(b) The control authority may require users to submit all or some of the following information as part of the permit application.

(i) Identifying information:

(A) The name, address, and location of the facility, including the name of the operator and owner; and

(B) Contact information, description of activities, facilities, and plant production processes on the premises.

(ii) Environmental permits. A list of any environmental control permits held by or for the facility;

(iii) Description of operations:

(A) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications (SIC or NAICS code) of the operation(s) carried out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;

(B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(C) Number of employees, shifts, contact per shift (if applicable), hours of operation, and proposed or actual hours of operation;

(D) Type and amount of raw materials processed (average and maximum per day);

(E) Each product produced by type, amount process or processes and rate of production; and

(F) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(iv) Time and duration of discharges;

(v) The location for monitoring all wastes covered by the permit;

(vi) Flow measurement. Information showing the measured average daily, maximum daily flow, and thirty (30) minute peak flow in gallons per day, (including daily, monthly and seasonal variations, if any) to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in § 18-202(5)(c) (Tennessee Rule 0400-40-14);

(vii) Measurement of pollutants:

(A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;

(B) Wastewater constituents and characteristics (nature and concentration and/or mass) in the discharge from each regulated process, including, but not limited to, those mentioned in § 18-202 and Appendix A of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR part 136, as amended;

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported;

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-207(10) of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

(E) Sampling must be performed in accordance with procedures set out in § 18-207(11) of this chapter; and

(F) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state or national pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards.

(viii) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 18-207(4)(b) (0400-40-14-.12(5)(b));

(ix) Statement of duly authorized representative(s). Wastewater constituents and characteristics, including, but not limited to, those mentioned in § 18-202 of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR part 136, as amended; and

(x) Any other information as may be deemed necessary by the control authority to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(6) Wastewater discharge permitting; general permits. (a) At the discretion of the control authority, the control authority may use general permits to control SIU discharges to the POTW, if the following conditions are met. All facilities to be covered by a general permit must:

- (i) Involve the same or substantially similar types of operations;
- (ii) Discharge the same types of wastes;
- (iii) Require the same effluent limitations;
- (iv) Require the same or similar monitoring; and
- (v) In the opinion of the control authority, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with § 18-207(4)(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the control authority has provided written notice to the SIU that such a waiver request has been granted in accordance with § 18-207(4)(b).

(c) The control authority will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in subsection (6)(a)(i) to (6)(a)(v) above and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

(d) The control authority may not control a SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day for IUs whose limits are based on the combined wastestream formula (§ 18-202(5)(c)) or net/gross calculations (subsection (5)(d)).

(7) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by a duly authorized representative or the user and contain the certification statement in § 18-207(14)(a).

(b) If the designation of a duly authorized representative is no longer accurate because a different individual or position has

responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the control authority prior to or together with any reports to be signed by a duly authorized representative.

(c) A facility determined to be a non-significant categorical industrial user by the control authority pursuant to § 18-201(2)(fff)(iii) must annually submit the signed certification statement in § 18-207(14)(b).

(8) Individual wastewater discharge and general permit decisions. The control authority will evaluate the data furnished by the user and may require additional information. If sufficient data was not received to determine an industry's category, the control authority may submit a category determination request to the approval authority as set out in Tennessee Rule 0400-40-14-.06(1). After evaluation and acceptance of the data furnished, the control authority will determine whether to issue an individual wastewater discharge permit or a general permit. The control authority may deny any application for an individual wastewater discharge permit or a general permit. (2000 Code, § 18-205, modified)

18-206. Individual wastewater discharge and general permit issuance. (1) Individual wastewater discharge and general permit duration. An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change, unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Each individual wastewater discharge permit or general permit will indicate a specific date upon which it will expire.

(2) Individual wastewater discharge and general permit contents. An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the control authority and/or his designated representative to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits or general permits shall be expressly subject to all provisions of this chapter and all other applicable regulation, charges and fees established by the City of Pulaski.

(a) Individual wastewater discharge permits and general permits shall contain:

(i) Statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;

(ii) Statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with subsection (4), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards;

(iv) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, frequency of sampling, and sample type based on federal, state, and local law;

(v) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge according to § 18-207(4)(b);

(vi) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state, or local law;

(vii) Requirements to control slug discharge, if determined by the control authority to be necessary;

(viii) Any grant of the monitoring waiver by the control authority (§ 18-207(4)(b)) must be included as a condition in the user's permit or other control mechanism;

(ix) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

(x) Requirements for notification of excessive discharges such as described in § 18-202(10) of this chapter; and

(xi) Requirement to immediately report any noncompliance to the control authority, and to immediately resample for parameter out of compliance in accordance with 40 CFR § 403.12(g).

(b) Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

(i) Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;

(ii) Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(iii) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(vii) A statement that compliance with the individual wastewater discharge permit or general permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit or general permit; and

(viii) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(3) Permit modifications. The control authority may modify an individual wastewater discharge permit or general permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit or general permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(e) Violation of any terms or conditions of the individual wastewater discharge permit or the general permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 0400-40-14-.13;

(h) To correct typographical or other errors in the individual wastewater discharge permit or the general permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with subsection (4).

(4) Individual wastewater discharge and general permit transfer.

Individual wastewater discharge permits and general permits are issued to a specific user for a specific operation. An individual wastewater discharge permit or a general permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior notice and approval of the control authority, and provision of a copy of the existing control mechanism (individual wastewater discharge permit or general permit) to the new owner or operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The notice to the control authority must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur;

(c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit; and

(d) Submits a duly authorized to sign.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or general permit void as of the date of facility transfer.

(5) Individual wastewater discharge and general permit revocation.

The control authority may revoke an individual wastewater discharge permit or general permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the control authority of changed conditions pursuant to § 18-207(5) of this chapter;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the control authority timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay penalties;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any pretreatment standard or requirement, or any terms of the individual wastewater discharge permit or the general permit or this chapter.

Individual wastewater discharge permits and general permits shall be subject to void upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits and general permits issued to a user are void upon the issuance of a new individual wastewater discharge permit or general permit to that user.

(6) Individual wastewater discharge and general permit reissuance. A user with an expiring individual discharge permit or general permit shall apply for permit reissuance by submitting a complete permit application in accordance with § 18-205(5) of this chapter a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit or general permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in § 18-202 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change, unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(7) Regulation of waste received from other jurisdiction. (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the control authority shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by subsection (7)(a) above, the control authority shall request the following information from the contributing municipality:

(i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(ii) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(iii) Such other information deemed necessary by the control authority.

(c) An intermunicipal agreement, as required by subsection (7)(a) above, shall contain the following conditions:

(i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as the ordinance comprising this chapter and local limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 18-202(8) of this chapter. The

requirement shall specify that such an ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance and local limits;

(ii) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority;

(iv) A requirement for the contributing municipality to provide the control authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(vi) Requirements for monitoring the contributing municipality's discharge;

(vii) A provision ensuring the control authority access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the control authority; and

(viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

The intermunicipal agreement may contain provisions that the control authority has the right to take action to enforce the terms of the contributing municipality's ordinances or to impose and enforce pretreatment standards and requirements directly against discharges of the contributing municipality. (2000 Code, § 18-206)

18-207. Reporting requirements. (1) Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14, whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the control authority a report which contains the information listed in subsection (1)(b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources becoming categorical industrial users subsequent to the promulgation of an

applicable categorical standard, shall submit to the control authority a report which contains the information listed in subsection (1)(b) below. A new source shall report the method of pretreatment it intends to use to meet the applicable categorical standard(s). A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(i) All information required in §§ 18-205(5)(a)(i)(A), 18-205(5)(b)(ii), 18-205(5)(b)(iii)(A), and 18-205(5)(b)(iv).

(ii) Measurement of pollutants:

(A) The user shall provide the information required in § 18-205(5)(b)(vii)(A) through (D);

(B) The user shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this subsection;

(C) Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process, if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 0400-40-14 to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-14, this adjusted limit, along with supporting data, shall be submitted to the control authority;

(D) Sampling and analysis shall be performed in accordance with subsection (10);

(E) The control authority may allow the submission of a baseline report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

(F) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(iii) Compliance certification. A statement, reviewed by the user's "authorized representative," as defined in § 18-201(2)(c), and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and,

if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(iv) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (2).

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with subsection (14)(a) and signed by an "authorized representative," as defined in § 18-201(2)(c).

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-207(1)(b)(iv) of this chapter.

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

(b) No increment referred to above shall exceed nine (9) months.

(c) The user shall submit a progress report to the control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(d) In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in §§ 18-205(5)(b)(iv) and (vii) and subsection (1)(b)(ii) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-205(5), this report shall contain a reasonable

measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14)(a). All sampling will be done in conformance with subsection (11).

(4) Periodic compliance reports. All SIUs and non-significant categorical industrial users are required to submit periodic compliance reports.

(a) All users must, at a frequency determined by the control authority, submit no less than twice per year (on dates specified), reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average, and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user.

(b) The control authority may authorize an industrial user subject to a categorical pretreatment standard (upon the approval authority's approval) to forego sampling of a pollutant by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. (Tennessee Rule 0400-40-14-.12(5)(b)) This authorization is subject to the following conditions.

(i) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility; provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit or the general permit, but in no case, longer than five (5) years. The user must submit a new request (including the requirements of subsection (4)(b)(iii) below) for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit or general permit. See § 18-205(5)(b)(viii).

(iii) In making a demonstration that a pollutant is not present, the industrial user must provide sufficient data of the

facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(iv) The request for monitoring a waiver must be signed in accordance with § 18-201(2)(c) and include the certification statement in subsection (14)(a) below (Tennessee Rule 0400-40-14).

(v) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(vi) Any grant of the monitoring waiver by the control authority must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority and the user for three (3) years after the expiration of the waiver.

(vii) Upon approval of the monitoring waiver and revision of the user's permit by the control authority, the industrial user must include, on each submitted report, the certification statement in subsection (14)(c) below that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(viii) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of subsection (4)(a) above, or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.

(ix) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(c) All periodic compliance reports must be signed and certified in accordance with subsection (14)(a) below. A chain of custody form must be submitted with all reports.

(d) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(e) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the control authority, using the procedures prescribed in subsection (11) below, the results must be included in the report for the corresponding reporting period.

(5) Reports of change conditions. Each user must notify the control authority of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred eighty (180) days before the change.

(a) The control authority may require the user to submit such information as may be deemed as necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-205(5) of this chapter.

(b) The control authority may issue an individual wastewater discharge permit or general permit under § 18-206(6) of this chapter or modify an existing wastewater discharge permit under § 18-206(3) of this chapter in response to changed conditions or anticipated changed conditions.

(6) Reports of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a uncustomary batch discharge, a slug discharge or slug load that might cause potential problems for the POTW, the user shall immediately telephone and notify the control authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. The control authority may request a sample for analysis be collected at the moment of accidental discharge.

(b) Within five (5) days following such discharge, the user shall, unless waived by the control authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may incur as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any penalties or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (6)(a) above. Employers shall ensure that all employees are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the control authority immediately of any changes at their facility affecting the potential for a slug discharge.

(7) Reports from non-permitted users. All users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the control authority as may be required.

(8) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the control

authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Repeat sampling by the industrial user is not required if the control authority performs sampling at the user's facility at least once a month, or if the control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling, or if the control authority has performed the sampling and analysis in lieu of the industrial user. If sampling performed by the control authority indicates a violation, the control authority may opt to notify the user of the violation and require the user to perform the repeat sampling and analysis (40 CFR § 403.12(g)(2)).

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the control authority, the EPA Regional Water Management Division director, and state hazardous waste authorities, in writing, of any discharge to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste, as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (5) above. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (1), (3) and (4) above.

(b) Discharges are exempt from the requirements of subsection (9)(a) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.20(c) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the

user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the reporting period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except, as indicated in subsections (11)(b) and (11)(c) below, the user must collect wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the control authority. Where time proportional sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies

may be authorized by the control authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits (40 CFR § 403.12(g)(3)).

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections (1) and (3) above (Tennessee Rule 0400-40-14-.12(2) and (4)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the control authority may authorize a lower minimum. For the reports required by subsection (4) above (Tennessee Rule 0400-40-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed using the U.S. Postal Service, the date of receipt of the report shall govern.

(13) Retention of records. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices, as set out in individual wastewater discharge permits or general permits. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years after the expiration date of the user's permit. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.

(14) Certification statements. (a) Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-205(6); users submitting baseline monitoring reports under subsection (1)(b)(v) above (40 CFR § 403.12(1)); users submitting reports on compliance with the categorical pretreatment standard deadlines under subsection (3) above (40 CFR § 403.12(d)); users submitting periodic compliance reports required by subsections (4)(a) to (4)(c) above (40 CFR § 403.12(e) and (h)), and users

submitting an initial request to forego sampling of a pollutant on the basis of subsection (4)(b)(iv) above (40 CFR § 403.12(e)(2)(iii)). The following certification statement must be signed by an authorized representative as defined in § 18-201(2)(c):

"I certify under the penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations."

(b) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the control authority pursuant to §§ 18-201(2)(fff)(iii) and 18-205(6)(c) (40 CFR § 403.3(v)(2)) must annually submit the following certification statement signed in accordance with the signatory requirements in § 18-201(2)(c) (40 CFR § 403.120(1)). This certification must accompany an alternative report required by the control authority:

"Based on my inquiry of the person(s) directly responsible for managing compliance with the categorical pretreatment standards under 40 C.F.R. part____, I certify that, to the best of my knowledge and belief, that during the period from _____, _____ to _____, _____ [month, days, year(s)]:

(i) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user as described in § 18-201(2)(fff)(iii);

(ii) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(iii) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

 _____"

(c) Certification of pollutants not present. Users that have an approved monitoring waiver based on subsection (4)(b) above must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

"Based on my inquiry of the person(s) directly responsible for managing compliance with the pretreatment standard for 40 C.F.R. part(s) _____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ in the wastewaters due to the activities at the facility since filing of the last periodic report under § 18-207(4)(a)." (2000 Code, § 18-207, modified)

18-208. Compliance monitoring. Right of entry; inspection and sampling. The control authority shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the control authority or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guard(s) so that, upon presentation of suitable identification, personnel from the control authority, approval authority and EPA shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities (40 CFR § 403.12).

(2) The control authority, approval authority and EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering of the user's operations.

(3) The control authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually, unless specified otherwise to ensure their accuracy. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and on-site analysis (where necessary), whether constructed on public or private

property. The monitoring facilities should be provided in accordance with the control authorities' requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the control authority to perform independent monitoring activities.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the user.

(5) Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this chapter. (2000 Code, § 18-208)

18-209. Confidential information. Information and data on a user obtained from reports, surveys, permit applications, individual wastewater discharge permits or general permits, and monitoring programs, and from the control authority's inspections and sampling activities, shall be available to the public or other governmental agency without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user under applicable state law. Any such request must be asserted at the time of submission of the information or data.

When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the state pretreatment program, and 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 and other effluent data, as defined at 40 CFR § 2.302, shall not be recognized as confidential information and shall be available to the public without restriction. (2000 Code, § 18-209)

18-210. Publication of users in significant noncompliance. The control authority shall publish, at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of users, which at any time during the previous twelve (12) months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any user which violates subsections (3), (4), or (8) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(1) "Chronic violations of wastewater discharge limits," defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed on a rolling quarterly basis (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-201(2);

(2) "Technical Review Criteria (TRC) violations," defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including "instantaneous limits," as defined by § 18-201(2) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters except pH);

(3) Any other violation of a "pretreatment standard or requirement," as defined by § 18-201(2) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel and/or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR § 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within thirty (30) days after the due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (2000 Code, § 18-210)

18-211. Administrative enforcement remedies. All administrative enforcement actions taken against a significant industrial user, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically *Tennessee Code Annotated*, § 69-3-123, and enforcement per the Enforcement Response Plan (ERP).

(1) Notification of violation. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an

individual wastewater discharge permit or general permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may serve upon that user a written notice of violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Consent orders. The City of Pulaski is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the document. Consent orders shall have the same force and effect as the administrative orders issued pursuant to subsections (4) and (5) below and shall be judicially enforceable.

(3) Show cause hearing. The control authority may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City of Pulaski and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-201(2)(c) and required by § 18-205(7)(a). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued. Hearings shall be conducted in accordance with the provisions of *Tennessee Code Annotated*, § 69-3-124.

(4) Compliance orders. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, order issued hereunder, or any pretreatment standard or requirement, the City of Pulaski may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time period. If the user does not show compliance within the specified time period, sewer service may be discontinued, unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated to allow compliance with this chapter.

Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, the installation of pretreatment systems(s), and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. A compliance order may also contain a penalty for noncompliance with the ordinance or an individual wastewater discharge permit or a general permit. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(5) Cease and desist orders. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, order issued hereunder, any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City of Pulaski may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(6) Administrative penalties. (a) Notwithstanding any other section of this chapter, when the control authority finds that a user has violated, or continues to violate, any provision of this chapter, individual wastewater discharge permit or general permit, and/or orders issued hereunder, any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may penalize such a user in an amount not to exceed ten thousand dollars (\$10,000.00). Such penalties shall be assessed on a per violation, per day basis in accordance with the provisions of *Tennessee Code Annotated*, §§ 69-3-125, 69-3-126, 69-3-128 and 69-3-129 and 40 CFR § 403.8(t)(1)(vi)(A). In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the City of Pulaski shall have such other collection remedies as are available to collect other service charges.

(b) Unpaid charges and penalties shall constitute a lien against the individual significant industrial user's property.

(c) Users desiring to dispute such penalties must file a written request for the City of Pulaski to reconsider the penalty along with full

payment of the penalty amount within thirty (30) days of being notified of the penalty. Where the City of Pulaski believes a request has merit, the City of Pulaski shall convene a hearing on the matter within fifteen (15) days of receiving the request from the significant industrial user and a hearing will be held before the City of Pulaski in accordance with the provisions of *Tennessee Code Annotated*, § 69-3-124. The control authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(7) Emergency suspensions. The City of Pulaski may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City of Pulaski may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings set forth in subsection (8) below are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the control authority a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five (5) days after notification of suspension of service or prior to the date of any show cause or termination hearing under subsections (3) or (8) of this section.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(8) Termination of discharge. In addition to the provision in § 18-206(5) of this chapter, any user who violates the following conditions is subject to permit termination:

(a) Violation of individual wastewater discharge permit or general permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

- (c) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- (e) Violation of the pretreatment standards in § 18-202 of this chapter.

Such user(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) above why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, taking any other action against the user. (2000 Code, § 18-211)

18-212. Judicial enforcement remedies. (1) Injunctive relief.

(a) If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or industrial wastewater discharge permit or general permit issued hereunder, the City of Pulaski, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Giles County. Any judicial proceedings and relief shall be in accordance with the provisions of *Tennessee Code Annotated*, § 69-3-127.

(b) When the control authority finds that a user has violated, or continues to violate, any provisions of this chapter, an individual wastewater discharge permit or general permit, order issued hereunder, or any other pretreatment standard or requirement, the City of Pulaski, through the city attorney, may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate), which restrains or compels the specific performance of the individual wastewater discharge permit or general permit, order, or other requirement imposed by this chapter on activities of the user. The City of Pulaski may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) Civil penalties. (a) A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, an order issued hereunder, or any pretreatment standard or requirement shall be liable to the City of Pulaski for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The City of Pulaski may recover reasonable attorneys' fees, court costs, engineering fees, and other expenses associated with

enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(3) Criminal prosecution. Any violation of this chapter is subject to criminal prosecution as ascertained in *Tennessee Code Annotated*, § 40-3-101 *et seq.*

(4) Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City of Pulaski Enforcement Response Plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one (1) enforcement action against any noncompliant user. (2000 Code, § 18-212, modified)

18-213. Affirmative defenses to discharge violations.

(1) Treatment upset. (a) Any significant industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset.

(b) A user who wishes to establish affirmative defense of a treatment upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the user can identify the cause(s) of the upset;

(ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(iii) The user has submitted the following information to the control authority within twenty-four (24) hours of becoming aware of the upset (where such information is provided orally, a written report thereof shall be filed by the user within five (5) days).

The report shall contain:

(A) A description of the indirect discharge and cause of noncompliance;

(B) The duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored; and

(C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(c) A significant industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the City of Pulaski for any noncompliance with this chapter, or an order or industrial wastewater discharge permit or general permit issued hereunder to the significant industrial user, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

(d) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 18-202(3)(a) of this chapter or the specific prohibitions in § 18-202(3)(b)(i) through (b)(xvi) of this chapter, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharge and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the control authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. The affirmative defense outlined in this section does not apply to the specific prohibitions in § 18-202(3)(b)(i), (iii) and (xv) of this chapter.

(3) Bypass. (a) For the purposes of this section:

(i) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which

causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.

(b) Bypass not violating applicable pretreatment standards or requirements. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3)(c) and (3)(d) of this section.

(c) Bypass notification. (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible at least ten (10) days before the date of the bypass.

(ii) A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Prohibition of a bypass. Bypass is prohibited, and the control authority may take enforcement action against a user for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There was no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user properly notified the control authority as required by subsection (3)(c) above.

The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it

will meet the three (3) conditions listed in subsection (3)(d) of this section. (2000 Code, § 18-213)

18-214. Miscellaneous provisions. (1) Pretreatment charges and fees. The City of Pulaski may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

(a) Fees for wastewater discharge permit applications, including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing the user's discharge, and reviewing monitoring reports and certification statements submitted by users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals;

(e) Fees to recover administrative and legal costs (not included in subsection (1)(b) above) associated with the enforcement activity taken by the control authority to address user noncompliance; and

(f) Other fees the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees and penalties chargeable by the city.

(2) Severability. If any provision, paragraph, word, section or subsection of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(3) Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of the ordinance comprising this chapter are hereby repealed to the extent of such inconsistency or conflict.

(4) Effective date. This chapter shall be in full force and effect from and after its passage, approval and publication, as provided by law. (2000 Code, § 18-214)

APPENDIX A (Revised by Ord. #06-2023, June 2023)

POLLUTANT PARAMETERS

(Subject to Change by Addenda applicable to "Pass Through Limitations" issued by the State. The year for each revision will be indicated at APPENDIX A.)

PROPOSED LOCAL LIMITS FOR THE CITY OF PULASKI

MARCH 2023

APPROVED JUNE 2023

PARAMETER	PLANT PROTECTION CRITERIA			INDUSTRIAL DISCHARGE LIMITS			
	CALC. LIMIT mg/L	PRESENT LIMIT mg/L	PROPOSED LIMIT, MONTHLY AVERAGE, mg/L	CALC. LIMIT mg/L	PRESENT LIMIT mg/L	PROPOSED LIMIT, MONTHLY AVERAGE mg/L	PROPOSED LIMIT, DAILY MAX mg/L
Arsenic	0.3970	0.0250	0.0250	11.56	0.383	0.383	0.766
Benzene	0.0150	0.0150	0.0150	0.395	0.222	0.222	0.444
Cadmium	0.0152	0.01057	0.01057	0.442	0.233	0.233	0.466
Carbon Tetrachloride	0.0150	0.03947	0.0150	0.388	0.615	0.388	0.776
Chloroform	0.2575	0.2570	0.2570	7.368	4.026	4.026	8.052
Chromium VI	0.0231	0.1382	0.0231	0.530	N/A	See Total Chromium	
Chromium, Total						3.175 ¹	6.350
Copper	0.2222	0.3636	0.2222	6.098	8.386	6.098	12.20
Cyanide	0.0352	0.0379	0.0352	0.812	0.561	0.561	1.122
Ethylbenzene	0.0286	0.02857	0.02857	0.802	0.443	0.443	0.886
Lead	0.0953	9.1444	0.0953	2.770	3.330	2.770	5.540
Mercury	0.0004	0.0010	0.0004	0.009	0.0208	0.009	0.018
Methylene Chloride	0.1315	0.1315	0.1315	3.453	2.038	2.038	4.076
Molybdenum	0.3573	0.0227	0.0227	10.388	0.283	0.283	0.566
Naphthalene	0.0045	0.0045	0.0045	0.0924	0.064	0.064	0.128
Nickel	0.3103	0.1513	0.1513	9.002	3.478	3.478	6.956
Phenols, Total	0.3289	0.50	0.3289	8.126	6.633	6.633	13.27
Phthalates, Total	0.1897	1.6125	0.1897	5.520	12.0	5.520	11.04
Selenium	0.4764	0.0302	0.0302	13.871	0.463	0.463	0.926
Silver	0.0200	0.0714	0.0200	0.582	1.641	0.582	1.164
Tetrachloroethylene	0.1250	0.1250	0.1250	3.618	1.964	1.964	3.928
Toluene	0.2142	0.2142	0.2142	5.247	2.769	2.769	5.538
Trichloroethylene	0.0909	0.0909	0.0909	2.612	1.427	1.427	2.854
Zinc	0.3656	1.25	0.3656	7.239	12.0	7.239	14.48

¹Value was calculated as part of the 2018 reevaluation.

PARAMETER	PLANT PROTECTION CRITERIA			INDUSTRIAL DISCHARGE LIMITS			
	CALC. LIMIT mg/L	PRESENT LIMIT mg/L	PROPOSED LIMIT, MONTHLY AVERAGE, mg/L	CALC. LIMIT mg/L	PRESENT LIMIT mg/L	PROPOSED LIMIT, MONTHLY AVERAGE mg/L	PROPOSED LIMIT, DAILY MAX mg/L
1,1,1 Trichloroethane	0.2000	0.20	0.2000	5.802	3.148	3.148	6.296
1,2 Transdichloroethylene	0.0045	0.0045	0.0045	0.102	0.064	0.064	0.128

CHAPTER 3

SEWAGE¹

SECTION

- 18-301. When sanitary sewage disposal facilities are required.
- 18-302. Responsibility for installation and maintenance of facilities.
- 18-303. When a connection to the sanitary sewer is required.
- 18-304. When a septic tank is required.
- 18-305. When a septic tank or a sanitary pit privy is required.
- 18-306. Use of other than prescribed facilities.
- 18-307. Connections outside corporate limits.

18-301. When sanitary sewage disposal facilities are required. Any building or structure wherein people live, are employed, or congregate must be equipped with such sanitary facilities for sewage disposal as are prescribed by this chapter. (2000 Code, § 18-301)

18-302. Responsibility for installation and maintenance of facilities. The owner of any property required by this chapter to have sanitary facilities for sewage disposal shall be responsible for the proper installation of such facilities. The occupant or person having immediate use and control of such property shall be responsible for maintaining the facilities in a sanitary and usable condition, unless by contractual arrangement between the parties the owner expressly agrees to retain such responsibility. (2000 Code, § 18-302)

18-303. When a connection to the sanitary sewer is required. Any building or structure within the meaning of § 18-301 and located on land which abuts upon a street or other public way containing a sanitary sewer must be equipped with sanitary sewage disposal facilities connected to such sanitary sewer. (2000 Code, § 18-303)

18-304. When a septic tank is required. Other such buildings and structures within the fire limits, but not located on land abutting on a street or other public way containing a sanitary sewer, must be equipped with sanitary sewage disposal facilities connected to a septic tank approved by the health officer. (2000 Code, § 18-304)

¹Municipal code reference
Plumbing code: title 12, chapter 2.

18-305. When a septic tank or a sanitary pit privy is required. All other such buildings and structures located outside the fire limits,¹ but not on land abutting on a street or other public way containing a sanitary sewer, must be equipped with sanitary sewage disposal facilities connected to a septic tank approved by the health officer, unless he expressly authorizes and approves a sanitary pit privy. (2000 Code, § 18-305)

18-306. Use of other than prescribed facilities. Where this chapter requires a particular type of sewage disposal facility, the use of any other type, or disposal by any other means, is hereby expressly prohibited, unless approved by the health officer. The health officer is authorized to approve exceptions to the provisions of this chapter only when the lot size, soil composition, lay of the land, or other unusual circumstances makes the installation and use of the prescribed facilities unfeasible. Neither shall the health officer approve any installations under §§ 8-204 or 8-205, unless conditions favor such installations as adequate for protection of the public health. (2000 Code, § 18-306)

18-307. Connections outside corporate limits. No person shall be connected to the sanitary system of the City of Pulaski, Tennessee, where the property is located outside of the corporate limits of the City of Pulaski, except for the usage in the industrial park. (2000 Code, § 18-307)

¹Municipal code reference
Fire limits: § 7-101.

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Regulated.
- 18-402. Definitions.
- 18-403. Standards.
- 18-404. Construction, operation, and supervision.
- 18-405. Statement required.
- 18-406. Inspections required.
- 18-407. Right of entry for inspections.
- 18-408. Correction of existing violations.
- 18-409. Use of protective devices.
- 18-410. Unpotable water to be labeled.
- 18-411. Violations and penalty.

18-401. Regulated. This chapter shall be known as the cross-connection ordinance and shall include auxiliary intakes, bypasses, and interconnections. (2000 Code, § 18-401)

18-402. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross-connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be "cross-connections."

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain,

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

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

(6) "Public water supply." The waterworks system furnishing water to Pulaski for general use and which supply is recognized as the public water supply by the Tennessee Department of Health. (2000 Code, § 18-402)

18-403. Standards. The Pulaski Tennessee Water System is to comply with *Tennessee Code Annotated*, §§ 68-221-701 to 68-221-720, as well as the rules and regulations for public water supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (2000 Code, § 18-403)

18-404. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross-connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health, and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of the Pulaski Public Water System. (2000 Code, § 18-404)

18-405. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises, a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (2000 Code, § 18-405)

18-406. Inspections required. It shall be the duty of the Superintendent of the Pulaski Public Water System to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Superintendent of the Pulaski Public Water System and as approved by the Tennessee Department of Health. (2000 Code, § 18-406)

18-407. Right of entry for inspections. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Pulaski Public Water System for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (2000 Code, § 18-407)

18-408. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the Pulaski Public Water System.

The failure to correct conditions threatening the safety of the public water system, as prohibited by this chapter and the *Tennessee Code Annotated*, § 68-221-711, within a reasonable time and within the time limits set by the Pulaski Public Water System shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

Where cross-connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system, unless the imminent hazard(s) is (are) corrected immediately. (2000 Code, § 18-408)

18-409. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; and

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the Superintendent of the Pulaski Public Water System, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of the Pulaski Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Pulaski Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Superintendent of the Pulaski Public Water System.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Pulaski Public Water System. (2000 Code, § 18-409)

18-410. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. (2000 Code, § 18-410)

18-411. Violations and penalty. The requirements contained herein shall apply to all premises served by the Pulaski Public Water System, whether located inside or outside the corporate limits, and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Pulaski corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (2000 Code, § 18-411)

TITLE 19**ELECTRICITY AND GAS****CHAPTER**

1. ELECTRICITY.
2. GAS.

CHAPTER 1**ELECTRICITY¹****SECTION**

19-101. Operation and control of system.

19-101. Operation and control of system. The municipal electric system shall be operated and controlled by the five (5) member "board of public utilities" created and established pursuant to the "Municipal Electric Plant Law of 1935" as set out in *Tennessee Code Annotated*, title 7, chapter 52. The board shall have such powers and duties as are prescribed by said law as amended. (2000 Code, § 19-101)

¹Municipal code reference

Electrical code: title 12.

Rates for basic cable tv service: title 9.

CHAPTER 2

GAS¹

SECTION

- 19-201. Cut-on/cut-off fee.
- 19-202. Turning on or off.
- 19-203. Billing.
- 19-204. Nonpayment of bill.
- 19-205. Schedule of rates.

19-201. Cut-on/cut-off fee. Each prospective customer desiring gas service will be required to sign a standard form contract before service is supplied. Fees to be charged shall be as from time to time set out by resolution of the board of mayor and aldermen.² (2000 Code, § 19-201, modified)

19-202. Turning on or off. No person, other than the gas inspector or an authorized employee of the gas department, shall turn any gas service on or off without the express permission or approval of the manager of the gas department. (2000 Code, § 19-202)

19-203. Billing. Bills for residential, commercial, and industrial service will be rendered monthly.

Notwithstanding any other provision of law to the contrary, if gas services are inaccurately recorded or registered and such inaccuracy results in the customer being undercharged or overcharged, the city shall be authorized to collect or assess a charge for the unpaid gas services or to reimburse the customer for overpayment of such usage, for a period not to exceed the prior twenty-four (24) months from the date the error is discovered or billed. (2000 Code, § 19-203, modified)

19-204. Nonpayment of bill. If a bill is not paid within five (5) days after the penalty is added, the consumer's gas service may be turned off and his meter locked without notice. (2000 Code, § 19-204)

19-205. Schedule of rates. The rates to be charged by the Natural Gas Department of the City of Pulaski for service shall be as from time to time set out by resolution of the board of mayor and aldermen. (2000 Code, § 19-205)

¹Municipal code reference
Gas code: title 12.

²Administrative resolutions are of record in the office of the recorder.

TITLE 20**MISCELLANEOUS****CHAPTER**

1. BUILDING DEPARTMENT.
2. DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT.
3. PARKS AND RECREATION FACILITIES.
4. MOSQUITO CONTROL PLAN.
5. ABSENTEE VOTING BY NONRESIDENT PROPERTY OWNERS.
6. TREE ORDINANCE.

CHAPTER 1**BUILDING DEPARTMENT****SECTION**

- 20-101. Establishment.
- 20-102. Qualifications and appointment of building inspector.
- 20-103. Waiver of qualifications for building inspector.
- 20-104. Duties of building inspector.
- 20-105. "Construction" defined.
- 20-106. No permit required for certain redecorating, painting, and repairing.
- 20-107. Violations and penalty.

20-101. Establishment. There is hereby established in the city a department to be called the building department which shall be in the charge of the building inspector. Said department shall be governed by the city's personnel policy. (2000 Code, § 20-101)

20-102. Qualifications and appointment of building inspector. The building inspector shall have had at least five (5) years experience as superintendent of building construction or shall for a period of five (5) years been in responsible charge of similar work. He shall be hired by the city administrator and report thereto. He may be employed in other capacities by the city, however, he shall not have any financial interest in any business engaged in the construction of buildings or sale of building supplies in the City of Pulaski, Tennessee. (2000 Code, § 20-102)

20-103. Waiver of qualifications for building inspector. The board of mayor and aldermen may, at any time, waive the qualifications set forth in § 20-102 when it appears that a suitable person for appointment as building inspector is not available. (2000 Code, § 20-103)

20-104. Duties of building inspector. The duties of the building inspector shall be to perform a service to the citizens and residents of the City of Pulaski. He shall effectively enforce all codes, ordinances, regulations for building, zoning, and subdivision regulations by issuing permits in a manner herein prescribed, and shall charge a fee in a manner according to the schedules hereinafter referred to.

(1) The building inspector shall issue an appropriate permit for all construction as is set forth in the current adopted building code of the City of Pulaski and shall inspect said construction to determine compliance with said code. He may adopt such methods or requirements deemed necessary to ensure said compliance.

(2) The building inspector shall issue an appropriate permit for all construction as set forth in the zoning regulations as adopted by the City of Pulaski and shall inspect said construction to determine compliance with the said ordinance. He may adopt such methods or requirements deemed necessary to ensure said compliance.

(3) The building inspector shall issue an appropriate permit for all construction as set forth in the subdivision regulations as adopted by the City of Pulaski and shall assist the Planning Commission of the City of Pulaski in effectively administering its duties. He shall meet and make reports to said commission and become the administrative officer of said commission. (2000 Code, § 20-104, modified)

20-105. "Construction" defined. The word "construction," as used in the preceding section, shall include work by all persons who shall erect, construct, alter, demolish or move any structure, make a major repair, remodel, or in any manner change the physical condition of a structure to that of another, and shall include all such activity involving the work of contractors or property owners who wish to engage in this activity. (2000 Code, § 20-105)

20-106. No permit required for certain redecorating, painting, and repairing. No permit shall be required for any person who shall redecorate, paint, or otherwise repair or maintain existing facilities in a building. (2000 Code, § 20-107)

20-107. Violations and penalty. Any person, firm, association, or company who shall violate a provision of this chapter or who shall fail to comply herewith or who shall erect, construct, alter, demolish, or move any structure, or have erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of the terms and conditions of this chapter, shall be guilty of a misdemeanor. (2000 Code, § 20-108)

CHAPTER 2

DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT

SECTION

20-201. Director.

20-202. Duties and powers of director.

20-201. Director. There is hereby created and established the office of director of the parks and recreation department of the city which shall be governed by the city's personnel policy. (2000 Code, § 20-201)

20-202. Duties and powers of director. (1) It shall be the duty of the director to actively supervise all activities of the parks and recreation department and to coordinate, where feasible, any activity that may involve any other department to the best and economic benefit of all departments.

(2) The director shall have the following duties and supervisory authority, in addition to those set out in subsection (1) above:

(a) He shall supervise the operation and maintenance of the department;

(b) He shall exercise his judgment in all matters of emergency and all matters pertaining to the routine operation of the department;

(c) He shall have immediate and full supervision and direction of all employees in the department in the discharge of their duties;

(d) He shall be responsible for the records and office work of his department, and shall maintain the same in proper and current condition, and shall further see that all bills, invoices, and payrolls are correct and shall approve the same; and

(e) He shall submit a written report to the board of mayor and aldermen at the January organizational meeting each year setting forth in detail all activities and operations of the department for the preceding calendar year. (2000 Code, § 20-202)

CHAPTER 3

PARKS AND RECREATION FACILITIES

SECTION

20-301. Policy for refunds for usage fees.

20-302. Fees for parks and recreation facilities usage.

20-303. Sam Davis Park.

20-304. Other parks and recreational facilities.

20-301. Policy for refunds for usage fees. The city recorder shall have the authority to refund the full rental fee deposited by individuals reserving parks and recreations facilities of the City of Pulaski if the cancellation is made sixty (60) days prior to such event.

The city recorder shall have the authority to refund one-half (1/2) of such rental fee if the cancellation is made thirty (30) days prior to such event.

If the cancellation is made less than thirty (30) days prior to the event, the full rental fee shall be forfeited to the City of Pulaski. (2000 Code, § 20-301)

20-302. Fees for parks and recreation facilities usage. Fees for parks and recreation facility usage shall be at such rates as are from time to time set by the board of mayor and aldermen by ordinance.¹ (modified)

20-303. Sam Davis Park. (1) Supervision. The parks and recreation director shall be the park supervisor. He shall have active charge of the grounds and report all violations of this section to the city administrator at once.

(2) Rules and regulations. The city administrator and director shall be guided by the following rules and regulations in controlling and managing Sam Davis Park.

(a) Sam Davis Park is to be used as a playground, athletic field and for such other purposes as are consistent with the provisions of the original deed of conveyance or which will not interfere with the use contemplated in said deed.

(b) Any person, group or organization desiring to use the park shall first obtain permission from the parks and recreation director.

(c) No carnival, circus, rodeo or similar show or attraction may operate in the park, unless it shall be operated in conjunction with a fair or other show where a carnival would be necessary and to the best interests of the people of Pulaski.

(d) Any carnival, circus, rodeo, group, club, individual, firm or corporation using the park for any purpose or sponsoring or promoting any activity therein, must agree to repair any damage done to the field,

¹Administrative ordinances are of record in the office of the recorder.

fences, stands, light poles, or any house, shed, structure or fixture, as a direct result of its use of the park facilities, and shall further agree to clear the park of all rubbish, trash, or other debris immediately after such use. Any violation of this section shall result in the forfeiture of the right to the further use of the park by the person.

(3) Utilities. When any person, firm, club, group, organization, individual, or corporation receives permission to use the parks, the user shall notify the director of parks and recreation, whose duty it shall be to provide the necessary utilities which shall be paid for by the user. (2000 Code, § 16-501, modified)

20-304. Other parks and recreational facilities. Insofar as practicable, other city parks and recreational facilities shall be operated in accordance with the provisions applicable to Sam Davis Park. (2000 Code, § 16-502)

CHAPTER 4

MOSQUITO CONTROL PLAN

SECTION

20-401. Purpose.

20-402. Definitions.

20-403. General provisions.

20-404. Methods of eliminating and treating mosquito breeding sources.

20-405. Right of entry; inspection.

20-406. Violations and penalty.

20-401. Purpose. The City of Pulaski shall establish an effective program of mosquito control, including, but not limited to, elimination or treatment of breeding sources for mosquitoes, elimination of identified mosquito populations, and alleviation of all other such conditions found to be conducive to the reproduction or continued existence of mosquitoes. This shall be accomplished through the processes of education and public information, conference, conciliation, persuasion, and these having failed, by administrative and judicial proceedings for the explicit purpose of controlling the breeding of mosquitoes, the presence of and convenience of the residents, and jeopardize enjoyment of life and property. (2000 Code, § 20-401)

20-402. Definitions. (1) "Artificial container" means any bucket, barrel, tire, bottle, tub, tank, gutter, bird bath, swimming pool, ornamental pond, flower pot, jar, or any other such manmade items capable of collecting water.

(2) "Breeding source" means any area capable of sustaining the reproduction of mosquitoes.

(3) "City" means the City of Pulaski.

(4) "Evidence of mosquito breeding" means the natural presence of mosquito larva, pupa, or their remains.

(5) "Insecticide" means a chemical agent which kills or prevents the reproduction of insects.

(6) "Larva" means the immature, fully aquatic stage of mosquito development in which the insect appears as a small, wingless, worm-like form.

(7) "Larvicide" means a chemical agent which kills or prevents the reproduction of mosquito larvae.

(8) "Mosquito" means a small long legged, two (2) winged insect of the family Culicidae, in which the female of the species is distinguished by a long proboscis for sucking blood.

(9) "Occupant" means the person who has the use of or occupies any building or any part thereof, or who has the use or possession, actual or constructive, of the premises, whether the owner or tenant. In the case of vacant buildings or vacant portions of a building, or in a case of occupancy in whole or

in part by the owner, the owner of the building shall be deemed to be, and shall have the responsibility of, an occupant of such building.

(10) "Owner" means the person owning the building or premises.

(11) "Person" means individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the State of Tennessee, governmental agencies, or public or private corporations.

(12) "Premises" means a parcel of real property, including all buildings and structures located thereon.

(13) "Pupa" means the immature, fully aquatic stage of mosquito development immediately following the larval stage and preceding the adult form in which the insect appears as a small, wingless, worm-like shape with a greatly enlarged head. (2000 Code, § 20-402)

20-403. General provisions. All premises within the City of Pulaski shall be maintained in such a manner as to prevent the breeding of mosquitoes on the premises. Artificial containers, ditches, streams, flooded areas, and all other such sources of standing water or other liquid where mosquitoes are breeding must be removed, drained, treated, altered, maintained, or otherwise eliminated by the person occupying the premises or, in the absence of an occupant, by the owner, in such a manner as to prevent the breeding of mosquitoes. Where there is evidence of mosquito breeding, effective methods of eliminating and treating mosquito breeding sources shall be instigated by the person occupying the premises, or in the absence of an occupant, by the owner, within forty-eight (48) hours after discovering or being informed of the evidence of mosquito breeding on the premises. (2000 Code, § 20-403)

20-404. Methods of eliminating and treating mosquito breeding sources. Breeding sources for mosquitoes shall be eliminated or treated by one (1) or more of the following methods as shall be approved by the City of Pulaski Public Works Director:

(1) Filling, draining, removing, or otherwise eliminating the breeding source;

(2) Completely emptying the breeding source of all water at least every seven (7) days, or as approved by the City of Pulaski Public Works Director. Where an artificial container is a water basin (e.g. swimming pool) designed to hold water, such containers shall be maintained or altered to prevent mosquito breeding or be removed;

(3) Treating the breeding source with an effective insecticide and/or larvicide approved by the City of Pulaski Public Works Director;

(4) Completely emptying artificial containers of all liquid and storing in an enclosed structure which is constructed in such a manner as to prevent the permanent collection of liquid in said containers;

(5) Maintain all natural or manmade storm or surface water drainways in a manner to prevent the ponding of water sufficient to provide breeding for mosquitoes; and

(6) Other methods proven to be effective in controlling mosquitoes and as approved by the City of Pulaski Public Works Director. (2000 Code, § 20-404)

20-405. Right of entry; inspection. The City of Pulaski Public Works Director shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this chapter. If consent for entry is not given or obtained, an administrative search and inspection warrant shall be obtained through municipal court.

However, if an imminent hazard exists, no warrant is required for entry upon the premises. (2000 Code, § 20-405)

20-406. Violations and penalty. (1) Any person who violates any provision of this chapter shall be subject to a fine not to exceed fifty dollars (\$50.00).

(2) The City of Pulaski Public Works Director may bring a civil proceeding in the Giles County Chancery Court to enforce the provisions of this chapter. (2000 Code, § 20-406)

CHAPTER 5**ABSENTEE VOTING BY NONRESIDENT
PROPERTY OWNERS****SECTION**

20-501. Absentee voting by nonresident property owners.

20-501. Absentee voting by nonresident property owners. Any nonresident of the City of Pulaski, qualified and duly registered to vote in municipal elections of the City of Pulaski by virtue of the provisions of Art. XI of the Pulaski Charter, may hereafter vote in such elections by absentee ballot; provided the terms and conditions of *Tennessee Code Annotated*, § 2-6-205 are met by such voter. (2000 Code, § 20-501)

CHAPTER 6

TREE ORDINANCE

SECTION

- 20-601. Purpose.
- 20-602. Definitions.
- 20-603. Creation of a tree board.
- 20-604. Term of office.
- 20-605. Operation.
- 20-606. Duties and responsibilities.
- 20-607. Tree planting in public areas.
- 20-608. Tree planting on private property.
- 20-609. Tree maintenance.
- 20-610. Tree topping.
- 20-611. Dead and dying trees.
- 20-612. Appeal.
- 20-613. Stump removal.
- 20-614. Developers, contractors and builders.
- 20-615. Special considerations.
- 20-616. Appeal and penalties.

20-601. Purpose. The purpose of this tree ordinance is to provide a mechanism for the management of trees and woody vegetation in the City of Pulaski, Tennessee. (2000 Code, § 14-401)

20-602. Definitions. (1) "City forester." A city employee responsible for the city's tree program. He/she will be titled tree warden.

(2) "Crownsread." The distance from the ends of branches on one (1) side of the tree, through the trunk, to the ends of the branches on the other side.

(3) "Line clearance." Removal of limbs and branches growing within a set distance of electrical distribution lines.

(4) "Private tree." A tree growing in an area owned by a private individual, business or commercial establishment, company, or industry, private institution, or other area not owned by government entities.

(5) "Pruning." Selective removal and thinning of the upper portions of the tree, taking into account the shape and natural structure of the tree.

(6) "Public tree." A tree growing in an area owned by the community, including parks, public buildings, schools, hospitals, and other areas to which the public has free access.

(7) "Public utility." The section of local government in charge of electrical distribution in the community and having responsibility for keeping distribution lines free of hazards, including trees.

(8) "Shrub." A woody plant with a multiple stem capable of growing to a height of up to fifteen feet (15').

(9) "Street tree." A tree growing within a public right-of-way along a street, in a median or in a similar area in which the public right-of-way borders areas owned by private individuals.

(10) "Topping." Arbitrary removal of various portions of the tree, thereby leaving stubs, with no regard for the natural structure of the tree.

(11) "Tree." A woody plant with a single trunk, or multiple trunk capable of growing to a height of fifteen feet (15') or more.

(12) "Tree density factor." A number derived from the combination of the density of trees remaining on a site and the density of additional trees to be planted. (2000 Code, § 14-402)

20-603. Creation of a tree board. There is hereby created a tree board for the city, which shall consist of seven (7) members who are citizens and residents of the city. Members shall be appointed by the mayor and approved by the governing council, one (1) of whom must be recommended. The tree board will serve without compensation. (2000 Code, § 14-403)

20-604. Term of office. Members shall serve three (3) year terms, except the first board which will have two (2) members appointed for one (1) year and three (3) members appointed for two (2) years, and two (2) members appointed for three (3) years. Members may serve successive terms. Vacancies are filled by appointment by the mayor until the end of the term. (2000 Code, § 14-404)

20-605. Operation. The board shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. Copies of the minutes shall be available to the governing body after each tree board meeting. Meetings shall be held quarterly, or more often if called by the chairman of the board. A majority of the members shall constitute a quorum for transaction of business. (2000 Code, § 14-405)

20-606. Duties and responsibilities. The duties of the tree board shall include, but not be limited to, the following:

- (1) Prepare a tree plan for the community;
- (2) Coordinate tree-related activities;
- (3) Conduct an Arbor Day ceremony;
- (4) Provide tree information to the community;
- (5) Maintain a recommended tree list for the community;
- (6) Recognize groups and individuals completing tree projects;
- (7) Coordinate publicity concerning trees and tree programs;
- (8) Coordinate donations of trees or money to purchase trees;
- (9) Adopt rules and regulations pertaining to the tree program;
- (10) Perform other tree related duties and opportunities that arise from time to time; and

(11) Coordinate with the Pulaski Electric System in its program of replacing tall-growing trees in or near power lines with low-growing trees. (2000 Code, § 14-406)

20-607. Tree planting in public areas. Tree planting shall be undertaken by the city of all public areas in a systematic manner to assure diversity of age classes and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be determined by the tree board. (2000 Code, § 14-407)

20-608. Tree planting on private property. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The tree board will provide information about species, planting techniques, and placement guidelines when requested by residents. (2000 Code, § 14-408)

20-609. Tree maintenance. Tree maintenance may include pruning, fertilizing, watering, insect and diseases control or other tree care activities. The city shall take responsibility for those maintenance activities needed to keep the public trees reasonably healthy and minimize the risk of hazard trees could cause to residents and visitors of the city. Determination of maintenance needs will be made by the tree board. Tree care may be accomplished by city personnel or by contract with commercial tree care companies.

Care and maintenance of private trees are encouraged to minimize safety hazards to people and the health risk to other trees in the community. The tree board will provide information in a timely manner to residents about all aspects of tree care, including the latest techniques and procedures currently being practiced. (2000 Code, § 14-409)

20-610. Tree topping. The practice of tree topping, unless considered a "danger tree" to power lines, is prohibited on all public trees and is strongly discouraged as a tree care practice for private trees. Proper pruning with branch removal at branch or trunk junctures is the best practice for limb removal. (2000 Code, § 14-410)

20-611. Dead and dying trees. Dead and dying trees that pose a safety or health risk to residents or to other trees shall be removed in a timely manner. This section will apply to both public and private trees. The tree board will make the risk determination, and if appropriate, will cause the tree to be removed. If the tree is on private property, the tree board will serve notice of said risk, and give an allowed time for said removal. (2000 Code, § 14-411)

20-612. Appeal. Upon receipt of notice to remove, the owner may appeal the decision within fifteen (15) days (or next meeting) to the board of mayor and aldermen. (2000 Code, § 14-412)

20-613. Stump removal. Stump removal to below ground level is considered part of the tree removal process. (2000 Code, § 14-413)

20-614. Developers, contractors and builders. Developers, contractors, builders or private owners shall not set out trees that will interfere with power transmission lines. When the building permit is approved, the plat submitted will show all existing trees and those planned, including the kind of existing trees and those to be set out. (2000 Code, § 14-414)

20-615. Special considerations. Tree topping of all public trees, unless considered a "danger tree" to the power lines, is prohibited, and topping of private trees is strongly discouraged. The tree board shall promote the use of property pruning procedures.

Tree pruning in the vicinity of power lines shall be undertaken by the public utility to assure the supply of electricity to its customers. Drop crotch pruning and pruning to laterals are the required methods. Where possible, the utility will replace large trees with small maturing ornamental trees of the kind recommended by the tree board and the power system. (2000 Code, § 14-415)

20-616. Appeal and penalties. (1) Any person dissatisfied with the decisions, rules, regulations, and interpretations of the tree board, shall have the right to appeal to the board of mayor and aldermen. Appeal shall be within thirty (30) days and shall be made in writing.

(2) Any person violating this chapter shall be deemed guilty of a misdemeanor, and according to the laws of the State of Tennessee, shall be fined a maximum of fifty dollars (\$50.00). Each subsequent day that any violation continues unabated shall constitute a separate offense. (2000 Code, § 14-416)

ORDINANCE NO. 12

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

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

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

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

BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF PULASKI, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the City of Pulaski 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 "Pulaski Municipal Code," hereinafter referred to as the "Municipal Code."

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

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

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

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

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

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

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

¹State law reference

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

municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

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

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

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

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

Passed 1st reading August 26, 2025.

Passed 2nd reading September 9, 2025.



Mayor



Recorder

APPROVED AS TO FORM:



City Attorney