

The City of Church Hill

Municipal Code Book

City of Church Hill, Tennessee

MAYOR

Dennis Deal

VICE-MAYOR

Gregory “Buck” Tipton

ALDERMEN

Kathy Christian

Keith Gibson

James Grigsby

Ken Luster

Michael Walker

CITY RECORDER

Kimberly Dobbs, CMFO

## PREFACE

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

The code is arranged into titles, chapters and sections. Related matter is kept together, so far as possible, within the same title. Each section number is complete within itself, containing the title number, the chapter number and the section of the chapter which 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 a section 2-106.

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book forwarded to MTAS annually.

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

When forgoing 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 make the code complete and up to date.

The able assistance of the codes team, Emily Keyser, Linda Winstead, Nancy Gibson and Doug Brown, is gratefully acknowledged.

Stephanie Allen  
Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY OF  
CHURCH HILL CHARTER

1. An ordinance shall be considered and adopted on two (2) separate days; any other form or board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102).
2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101).

# TITLE 1

## GENERAL ADMINISTRATION

### CHAPTER

1. BOARD OF MAYOR AND ALDERMEN
2. MAYOR
3. CITY RECORDER
4. OFFICIAL NEWSPAPER
5. RECORDS MANAGEMENT, RETENTION AND DISPOSAL
6. MUNICIPAL RECREATION DEPARTMENT
7. CODE OF ETHICS.

#### Charter 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: Title 18

Wastewater Treatment: Title 18

Zoning: Title 14

**CHAPTER 1**  
**BOARD OF MAYOR AND ALDERMAN**

SECTION

- 1-101. Time and place of regular meetings
- 1-102. Order of business
- 1-103. General rules of order
- 1-104. Compensation of Mayor and Aldermen
- 1-105. Elections

Charter references:

For charter provisions related to the Board of Mayor and Aldermen, see Tennessee Code Annotated, Title 6, chapter 3. For specific charter provisions related to the Board of Mayor and Alderman, see the following sections:

- City Administrator: § 6-4-101
- Compensation: § 6-3-109
- Duties of Mayor: § 6-3-106
- Election of the Board: § 6-3-101
- Oath: § 6-3-105
- Ordinance procedure publication: § 6-2-101
- Ordinance procedure readings: § 6-2-102
- Residence Requirements: § 6-3-107
- Vacancies in office: § 6-3-107
- Vice-Mayor: § 6-3-107

**1-101. Time and place of regular meetings:** The board of Mayor and Alderman shall:

- (1) Convene its regular monthly meeting on the third Tuesday of each month in the court room at the City Building in Church Hill, Tennessee at 7:00 PM Eastern Standard Time, or in the summer at 7:00 PM Eastern Day Light Savings Time; except that any such regular meeting which falls on a holiday or similarly inconvenient date to the members of the Board and the public may be convened at such different time and place in the same manner as a special meeting.
- (2) Whenever in the opinion of the Mayor, the welfare of the city demands it, the Mayor or Recorder may call a special meeting of the Board of Mayor and Alderman upon twelve (12) hours written notice to each alderman, the recorder and city attorney, served personally or left at their usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meetings. Public notice of time and place of any special called meeting shall be posted in City Hall, Church Hill Public Library and Church Hill Post Office.
- (3) Convene any adjourned meeting at such a time and place as is fixed at the meeting from which such meeting is adjourned.
- (4) Cause the publication of an annual notice of all the foregoing in a newspaper of general circulation in the city. (2003 Code, § 1-101)

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

- (1) Roll Call
- (2) Invocation
- (3) Pledge of allegiance
- (4) Approval of minutes of previous meetings
- (5) Oral petitions and presentations by citizens
- (6) Communications, memorials, and complaints
- (7) Report of recorder, allowance of accounts
- (8) Presentation of petitioners resolutions and ordinances and consideration thereof

- (9) Reports of special standing committees
- (10) Miscellaneous
- (11) Adjournment (2003 Code, § 1-102)

**1-103 General rules of order:**

- (1) The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the Board of Mayor and Aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code.
- (2) The Mayor shall preside and preserve order during the meetings of the Board of Mayor and Aldermen and shall decide all points of order, subject to appeal of the board. A majority of all members of the board shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such a manner and under penalties as may be provided by the board.
- (3) When a question is under consideration, no motion shall be entertained except:
  - (a) To adjourn
  - (b) To Lay on the table
  - (c) For the previous question
  - (d) To postpone to a certain day or time
  - (e) To commit to a standing or special committee
  - (f) To amend or to substitute
  - (g) To postpone indefinitely

These several motions shall take precedence in their order as they stand in this rule. The motions do not require a second, except the motion for previous question or a call for the "ayes" and "noes".

(4) These rules or any of them may be suspended temporarily at any meeting by a two-thirds vote of the board. The vote shall be by "ayes" and "noes" and shall be so recorded.

(5) An "aye" and "no" vote shall be called and recorded on the vote of every ordinance, resolution and expenditure of money, and shall be taken upon any other matter when requested by an alderman. In the event that an alderman declines to vote, the recorder shall record his vote as an abstain. A majority vote of all the

members of the board shall be necessary to adopt any ordinance or resolution, (2003 Code, §1-103)

**1-104 Compensation of mayor and aldermen:**

- (1) The Mayor and Aldermen shall receive compensation during their terms of office
- (2) The compensation received by the Mayor shall be fifty dollars (\$50.00) for each business meeting, whether regular or called, of the Board of Mayor and Aldermen, and any regularly scheduled commission or committee meeting, which he personally attends.
- (3) The compensation to be received by each Alderman shall be thirty dollars (\$30) for each business meeting, whether regular or called, of the Board of Mayor and Aldermen, and any regularly scheduled commission or committee meeting, which he personally attends.
- (4) The compensation received by the Mayor and Alderman as herein above specified shall not be designated for a specific purpose, but may be expended by each as he solely shall desire.
- (5) The compensation herein set forth shall be payable only to Mayors and Aldermen elected after adoption of the provisions in this section. No Mayor or Alderman serving an unexpired term upon passage of the provisions in this section may receive any compensation herein set forth until at the expiration of his unexpired term, he has run for election, and been re-elected. (2003 Code, § 1-104, as amended by Ord. #07-24 June 2007)

**1-105 Elections:** Beginning with the July, 2000, election for aldermen, the entire town shall consist of one ward only. The three (3) candidates for alderman receiving the highest number of votes at that election shall serve four (4) year terms in an at-large district. The other three (3) positions for alderman shall be filled in a like manner by at-large elections in July, 2002, and shall also serve four (4) year terms in an at-large district. Elections are to be held on the first Tuesday after the first Monday in November for the year 2014 and thereafter.

*Change 1, April 17, 2012*

*The terms of the duly elected aldermen and mayor shall be automatically extended beyond the normal four (4) year term until the first regular city council meeting following the revised election date set above. (2003 Code, § 1-105, as amended by Ord. #12-451, April 2012)*

## **CHAPTER 2**

### **MAYOR**

#### SECTION

#### 1-201 Generally supervises city's affairs

**1-201 Generally supervises city's affairs:** The Mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (2003 Code, § 1-201)

#### Charter references

For charter provisions related to the Mayor, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the Mayor, see the following sections:

Vacancies in office: § 6-3-107

Vice-Mayor: § 6-3-107

#### Charter reference

Duties of Mayor: § 6-3-106

## **CHAPTER 3**

### **CITY RECORDER**

#### SECTION

1-301 To be bonded

1-302 To keep minutes, etc.

1-303 To perform general administrative duties, etc.

**1-301 To be bonded:** The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (2003 Code, § 1-301)

**1-302 To keep minutes, etc:** The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (2003 Code, § 1-302)

**1-303 To perform general administrative duties, etc:** The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board to another corporate officer. He shall have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. He shall also be custodian of all funds of the city, strictly accountable therefore, and shall render a financial report at each regular meeting of the board and he shall perform such other duties as may be required by the board. (2003 Code, § 1-303)

Charter references

City Recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401 ©.

**CHAPTER 4**  
**OFFICIAL NEWSPAPER**

SECTION

1-401 Newspaper designated

1-402 Alternate newspaper designated

**1-401 Newspaper designated:** The Rogersville Review is hereby designated an official newspaper for the publication of official notices and ordinances of the City of Church Hill. (2003 Code, § 1-1101)

**1-402 Alternate newspaper designated:** All notices of public meetings, resolutions, and ordinances required by law to be published in a newspaper of general circulation in the City of Church Hill and in Hawkins County, Tennessee may henceforth be published in either the Rogersville Review or the Kingsport Times-News. (2003 Code, § 1-1102)

## **CHAPTER 5**

### **RECORDS MANAGEMENT, RETENTION, AND DISPOSAL**

#### SECTION

1-501 Purpose

1-502 “Public records” and “public documents” defined

1-503 Adoption by reference of MTAS manual

1-504 Appointment of the records management officer

1-505 Duties and responsibilities

**1-501 Purpose:** The purpose of this chapter is to establish a formal records management program for the City of Church Hill; to define public records and documents, to designate the records management officer for the Town, and to authorize the establishment of a records retention and disposal schedule therefore. (2003 Code, § 1-1201)

**1-502 “Public records” and “public documents” defined:** Pursuant to Tennessee Code Annotated, §10-7-701 and §10-7-301, public records and public documents within the City of Church Hill shall be construed to mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by the board of mayor and aldermen, or by any office, agency or department of the City of Church Hill. (2003 Code, § 1-1202)

**1-503 Adoption by reference of MTAS manual:** Pursuant to Tennessee Code Annotated, § 10-7-702, the Municipal Technical Advisory Service, a unit of the Institute for Public Service of the University of Tennessee, is authorized to compile and print, in cooperation with the state library and archives, records retention manuals which shall be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments in the state. The Records Management for Municipal Governments - A Reference Guide for City Officials and Municipal Public Records Custodians, September 2002 edition, or the most current publication available, as published by the

Municipal Technical Advisory Service (MTAS) of the University of Tennessee, shall be and is hereby adopted by reference for use in the records management program of the City of Church Hill.

After the retention period has expired, the records are to be disposed of as directed by the city recorder. The records for disposal are to be listed on a "Certificate of Records Disposal." The person or department performing the disposal shall be accompanied by a witness designated by the city recorder, and the signatures of both shall be affixed to all copies of the "Certificate of Records Disposal." The original of the completed "Certificate of Records Disposal" is to be filed in the office of the city recorder. One (1) copy shall be retained and filed in the appropriate department. (2003 Code, § 1-1203)

**1-504 Appointment of the records management officer:** The City Recorder of the City of Church Hill shall be and is hereby appointed "Records Management Officer" for the City of Church Hill, and shall discharge those duties normally associated with the office. (2003 Code § 1-1204)

**1-505 Duties and responsibilities:** The records management officer shall be and is hereby authorized and directed to develop, implement and maintain a "Records Retention and Disposal Log" for all public records required to be maintained by the city, not inconsistent with the aforesaid MTAS Manual and Tennessee Code Annotated. (2003 Code, § 1-1205)

**CHAPTER 6**  
**MUNICIPAL RECREATION DEPARTMENT**

SECTION

1-601 Director of recreation

1-602 Creation and membership of recreation committee

1-603 Meetings, duties and responsibilities of the recreation committee

1-604 Recreation rules and regulations

1-605 Inter-local agreement

**1-601 Director of recreation:** There is hereby, created for the City of Church Hill the position of director of recreation. The director shall be appointed by and serve at the pleasure of the board of mayor and aldermen. The director shall have the following responsibilities and duties:

- (1) The general oversight and administration of the municipal recreation department pursuant to the policy and directives established by the board of mayor and aldermen.
- (2) The supervision of the day to day activities of all part-time employees of the recreation department.
- (3) The formulation and suggestion to the recreation committee of plans and programs for the recreation department. (2003 Code, § 12-501)

**1-602 Creation and membership of recreation committee:** The mayor shall appoint, subject to confirmation of the board of mayor and aldermen, a recreation committee composed of a current member of the board of mayor and aldermen, and six (6) citizens of the City of Church Hill. The current member of the board of mayor and aldermen shall be chairman of the recreation committee. The members of the committee shall serve at the pleasure of the board of mayor and aldermen. Each member shall have one (1) vote at all committee meetings. (2003 Code, § 12-502)

**1-603 Meetings, duties and responsibilities of the recreation committee:**

- (1) The recreation committee shall hold regular monthly meetings for the purpose of overseeing the operation of the Recreation Department of the City of Church Hill and making recommendations to the board of mayor and

aldermen regarding the continuing operation of the city's parks, recreational facilities, and athletic activities. The committee shall periodically evaluate the progress and development of the various programs within the city, the level of maintenance of all recreation areas, the effectiveness of the programs, and the work of the director and other employees connected with the recreation department. The recreation committee shall aid in coordinating municipal recreational services and programs with those of other public agencies in the community.

- (2) All meetings of the committee, whether regular or special meetings, may be held at the City-County Building on Main Street in Church Hill, Tennessee and shall be open to the public. Four (4) members of the board shall constitute a quorum for the purpose of conducting business so long as the chairman is present. Meetings shall be conducted in accordance with Robert's Rules of Order, Revised.
- (3) The recreation committee shall prepare and present to the board of mayor and aldermen for approval in June of each year an annual budget sufficient to finance the municipal recreation program for the next fiscal year. The committee shall also recommend a program for capital improvements to the municipal recreation facilities for the city and make recommendations regarding the allocations of public monies to provide for these improvements. The chairman of the committee shall authenticate each voucher requesting operating expenditures on behalf of the recreation department.
- (4) With each annual request for appropriations, the recreation committee shall submit a comprehensive financial report on all aspects of the recreation department. This report shall be authenticated by the chairman of the committee and the city recorder. (2003 Code, § 12-503)

**1-604 Recreation rules and regulations:** The recreation committee shall recommend to the board of mayor and aldermen the establishment of rules and regulations for all recreational areas owned and/or operated by the City of Church Hill. Once adopted by the board of mayor and aldermen at public session, these rules and regulations shall be posted in a public place at each recreational area. Violation of any of these rules and regulations by members of the public visiting the area or participating in any municipal athletic activity shall be grounds for the city's barring the offender from further use of the facilities. The recreation director

or his designee is authorized to enforce this section of the chapter by effecting the removal of the offender from the recreational facility. (2003 Code, § 12-504)

**1-605 Inter-local agreement:** Pursuant to Tennessee Code Annotated, the board of mayor and alderman hereby authorizes the Mayor of the City of Church Hill, upon the advice and consent of the board of mayor and alderman, to enter into inter-local agreements with neighboring municipalities for providing joint recreation programs, acquiring equipment and facilities in the use of such programs, staffing such programs, and doing all things incidental and necessary thereto for the purpose of conducting a recreation program. (2003 Code, § 12-505)

## **CHAPTER 7**

### **CODE OF ETHICS**

#### SECTION

1-701 Applicability

1-702 Definition of “personal interest”

1-703 Disclosure of personal interest by official with vote

1-704 Disclosure of personal interest in non-voting matters

1-705 Acceptance of gratuities

1-706 Use of information

1-707 Use of municipal time, facilities, etc.

1-708 Use of position or authority

1-709 Outside employment

1-710 Ethics complaints

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

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

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

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

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

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

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

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

*A brief synopsis of each of these laws appears in Appendix A of this municipal code.*

*1-710 Ethics complaints*

*1-711. Violations.*

**1-701 Applicability:** This chapter is the code of ethics for personnel of the City of Church Hill. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "city" or "City of Church Hill" include these separate entities. (Ord. #07-421, April 2007)

**1-702 Definition of “personal interest”:**

(1) For purposes of § 1-703 and § 1-704, “personal interest” means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
- (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official’s or employee’s spouse, parent(s), step-parent(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 designated family member is negotiating possible employment with a person or organization that is subject of the vote or that is to be regulated or supervised.

(3) In any situation in which personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the precedence of this chapter. (Ord. #7-421, April 2007)

**1-703 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<sup>1</sup> from voting on the measure. (Ord. #07-421, April 2007)

<sup>1</sup>Masculine pronouns include feminine. Only masculine pronouns have been used for convenience and readability.

**1-704 Disclosure of personal interest in non-voting matters:** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #07-421, April 2007)

**1-705 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 city:

- (1) For the performance of an act, or refraining from performance for 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. (Ord. #07-421, April 2007)

**1-706 Use of information:**

- (1) An official or employee may not disclose any information obtained in his official capacity of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #07-421, April 2007)

**1-707 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 board of mayor and aldermen to be in the best interests of the city. (Ord. #07-421, April 2007)

**1-708 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 city.
- (2) An official or employee may not use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law or ordinance or policy of the city. (Ord. #07-421, April 2007)

**1-709 Outside employment:** Full-time or employee of the city may not accept any outside employment without written authorization from the mayor. (Ord. #07-421, April 2007)

**1-710 Ethics complaints:**

- (1) The city attorney is designated as the ethics officer of the city. Upon 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 judgement, constitutes a violation of this code of ethics.  
(b) The city attorney may request the board of mayor and aldermen to hire another attorney, individual or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.  
(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city's board of mayor and aldermen, the board of mayor and aldermen 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 board of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the board of mayor and aldermen.

- (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. (Ord. #07-421, April 2007)

**1-711 Violations:** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #07-421, April 2007)

TITLE 2  
**BOARDS AND COMMISSIONS, ETC.**

CHAPTER

1 PRE-HOSPITAL CARE REGULATORY BOARD

2 SENIOR CITIZENS ADVISORY BOARD

CHAPTER 1  
**PRE-HOSPITAL CARE REGULATORY BOARD**

SECTION

2-101 Pre-hospital care regulatory board established

2-102 Regulations to be established by pre-hospital care regulatory board

2-103 Purpose

2-104 Membership of pre-hospital care regulatory board

**2-101 Pre-hospital care regulatory board established:** There shall be established a pre-hospital care regulatory board to govern pre-hospital care providers and the pre-hospital care system within the corporate boundaries. (2003 Code, § 5-201)

**2-102 Regulations to be established by pre-hospital care regulatory board:** The pre-hospital care regulatory board shall establish such regulations over providers and the system as are necessary to preserve the public safety and general welfare, including, but not limited to, standards of care for all pre-hospital care providers or any agency or organization that provides emergency or convalescent care in a pre-hospital setting within the corporate limits. (2003 Code, § 5-202)

**2-103 Purpose:** Pursuant to Tennessee Code Annotated, §§ 7-61-103, et seq., the pre-hospital care regulatory board shall develop a quality assurance program, coordinate pre-hospital care within the corporate limits, standardize training and protocols, enforce a standard of care for the municipality, assure appropriate patient care, coordinate response to emergencies, submit necessary reports to the

board of mayor and aldermen and other government authority. (2003 Code, § 5-203)

**2-104 Membership of pre-hospital care regulatory board:** There shall be one (1) physician member, the Church Hill Safety Director, a certified EMT or paramedic, and a citizen at large appointed to the pre-hospital care regulatory board by the mayor, subject to confirmation by the board of mayor and aldermen.

Any person violating any of the provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (2003 Code, § 5-204)

**CHAPTER 2**  
**SENIOR CITIZENS ADVISORY BOARD**

SECTION

- 2-201 Senior citizens advisory board
- 2-202 Composition of board
- 2-203 Compensation of board members
- 2-204 Officers
- 2-205 Meetings
- 2-206 Operations, finances, budgets

**2-201 Senior citizens advisory board:** There is hereby created and established a senior citizens advisory board, hereinafter referred to as the advisory board, which advisory board shall provide guidance relating to the operation of the senior citizens center and which may adopt by-laws for the operation of same. (2003 Code, § 1-1401)

**2-201 Composition of board:**

- (1) The advisory board shall be composed of thirteen (13) members; the senior citizens director and the mayor shall be ex-officio members, six (6) members shall be appointed from the senior citizens program participation roster; and the remaining appointments be members-at-large regardless of age; all of whom shall act and serve until his or her term expires or until a successor is appointed and qualifies. All members of said advisory board shall be appointed by the mayor with the approval of the board as follows:
- (2) The original membership of the thirteen (13) members of said advisory board shall be appointed by the mayor with the approval of the board as follows: three (3) members from the senior citizens program participation roster shall be appointed for term of two (2) years, and three (3) members at large shall be appointed for a term of two (2) years, the remaining members shall be appointed for a term of one (1) year, and all terms thereafter shall be for a term of two (2) years or until their successors are appointed and qualify.
- (3) In the event of a vacancy on said advisory board because of death,

resignation, inability or refusal of a member to serve, then in any such event, said vacancy shall be filled for the unexpired term of such member by appointment of the mayor, with the approval of the board. (2003 Code, § 1-1402)

**2-203 Compensation of board members:** The members of the advisory board, by accepting appointment on said advisory board shall serve without compensation, and perform their duties for the benefit of, and for the general welfare of the city and its surrounding community. (2003 Code, § 1-1403)

**2-204 Officers:** After appointment, the members of said advisory board, shall meet in regular session and organize themselves by electing from their number, a chairman, vice-chairman, and a secretary, and each person so elected, shall hold office for one (1) year, or until a successor is elected and qualified. (2003 Code, § 1-1404)

**2-205 Meetings:** The advisory board shall meet in regular session at least once each month, and the time and place shall be decided by vote of the members. It shall be the duty of the chairman to preside over all meetings of the advisory board and in the absence of the chairman, the vice-chairman shall preside. The secretary shall keep a record of all proceedings of the advisory board. Any meetings, other than a regular meeting, may be called by the chairman, or by any six (6) members of the advisory board, and six (6) members being present shall constitute a quorum. (2003 Code, § 1-1405)

**2-206 Operations, finances, budgets:**

- (1) The advisory board shall recommend all fees and charges connected with the operation of the senior citizens center.
- (2) The advisory board shall prepare an operating budget annually thereafter for consolidation with the annual budget of the city.
- (3) The advisory board, may in the name of the City of Church Hill, Tennessee, accept any grant, or gift, or bequest of money, or other personal or real property or any other grants from the United States of America, the State of Tennessee, County of Hawkins and any other person, firm or corporation, to be used and applied for the purposes provided for herein, subject the approval of the board of mayor and aldermen.

The board of mayor and aldermen may appropriate, as it deems wise and proper, funds to meet or match any aid or assistance made available from any entity or person to the City of Church Hill Senior Citizens Advisory Board for the benefit and purposes of the senior citizens center.

- (4) All grants, gifts, bequests of money or other personal or real property, or any other grants, funds, monies, or other contributions, so made for the use of the advisory board shall be deposited with the city recorder and held by him in trust, in what shall be hereafter known as the advisory board fund, to be kept as a separate line item from all other city funds and shall be disbursed, as may be provided by the charter or any ordinance.
- (5) All materials, supplies and equipment required or desired shall be requisitioned by the senior citizens director as provided by the charter or any ordinance.
- (6) All fixtures, books, periodicals, supplies, material, equipment, etc., of the senior citizens center shall be under the control of the senior citizens director. (2003 Code § 1-1406)

**TITLE 3**  
**MUNICIPAL COURT**

**CHAPTER**

1 MUNICIPAL JUDGE

2 SCHEDULE OF FEES AND FINES

**CHAPTER 1**  
**MUNICIPAL JUDGE**

SECTION

3-101 Office created

3-102 Qualifications

3-103 Term of service; vacancy

3-104 Oath and bond

3-105 Salary

3-106 Absence or disability

**3-101 Office created:** Pursuant to the authority granted in Tennessee Code Annotated, 16-18-101 et seq., there is hereby created and established for the City of Church Hill, Tennessee, the office of municipal judge, which judge shall be vested with the judicial powers and functions granted to the mayor under the laws of Tennessee, and said judge shall be subject to the provisions of the law governing the mayor's court or the municipal court presided over by the mayor, as set out by the laws of the State of Tennessee. (2003 Code, § 1-501)

**3-102 Qualifications:** Any person serving as municipal judge shall be at least twenty-five (25) years of age and shall be a resident of the State of Tennessee at the time of and for the duration of his appointment. (2003 Code, § 1-502)

**3-103 Term of office; vacancy:** The municipal judge shall be appointed by the board of mayor and aldermen for a term of two (2) years, said term beginning the

first day of July and any incumbent judge shall serve during the term and until his successor is appointed and qualified. Any vacancy in the office of municipal judge shall be filled for the unexpired term by the board of mayor and aldermen. (2003 Code, § 1-503)

*Charter references*

*City Judge-City Court: §6-4-301*

**3-104 Oath and bond:** The municipal judge shall take the same oath of office as that prescribed for the mayor and, before entering upon the duties of this office, shall make bond in the amount of five thousand dollars (\$5,000.00), the cost of said bond being paid by the City of Church Hill. (2003 Code, § 1-504)

**3-105 Salary:** The salary of the municipal judge shall be fixed by the board of mayor and aldermen before his or her appointment by motion and said salary shall not be altered during the term for which he or she is appointed. (2003 Code, § 1-505)

**3-106 Absence or disability:** In the absence or during the disability of the municipal judge, the mayor shall serve as judge until such time as the municipal judge shall resume his duties. (2003 Code, § 1-506)

**CHAPTER 2**  
**SCHEDULE OF FINES**

SECTION

3-201 Schedule of fines

3-202 Court costs imposed

**3-201 Schedule of fines:**

- (1) The maximum fine which may be imposed by the City Judge for the City of Church Hill, Tennessee, shall be the maximum fine allowable under the Constitution of the State of Tennessee and as set out in Tennessee Code Annotated
- (2) All persons cited into the City Court of the City of Church Hill, Tennessee, who decide to pay any such citation in advance of their court appearance may pay said citation and court costs in accordance with the schedule of fines and court costs as may, from time to time, be adopted by the board of mayor and aldermen by resolution.
- (3) Pursuant to a finding of guilt by the city judge of any violation of an ordinance of the Church Hill Municipal Code, and further pursuant to a finding that extraordinary manpower hours or expenses have been incurred in the cleanup, firefighting, or other extraordinary activities conducted by the employees of the municipality, in correcting or addressing the results of said violation, the fines imposed by the city judge may include such costs as are made necessary by the violation of said municipal ordinance, and such costs are to be treated as fines pursuant to Tennessee Code Annotated, § 6-2-201(28)(b). (2003 Code, § 9-701)

**3-202 Court costs imposed:** Court costs shall be assessed by the city court clerk (city recorder) to the maximum allowed under Tennessee Code Annotated, § 8-21-401, as follows:

- (1) For issuing summons for each defendant- \$5.00
- (2) For issuing city court subpoenas to bring in paper or record, etc. and for issuing subpoena for witness- \$2.00
- (3) For each copy of the above processes when required by law- \$1.50
- (4) For each recognizance, bond or mittimus- \$2.00
- (5) For filing each bond, complaint, affidavit, or other document- \$2.00
- (6) For each entry in the city court rule docket for each order, document, summons, and return of process entered upon the rule, trial, or execution

docket- \$2.00

- (7) For making and entering an execution docket each bill of costs- \$3.00
- (8) For entering continuance- \$1.50
- (9) For entering each judgement- \$3.00
- (10) For furnishing each bill of cost- \$2.00
- (11) For providing certified copies and statements of sentence to county workhouse and for the county executive- \$3.50
- (12) For furnishing attorneys, indigent defendants, or other defendants with copies of documents at \$2.00 for the first page and \$1.00 for each additional page not to exceed \$10.00
- (13) For receiving and paying over all taxes, fines, forfeitures, fees and amercements- five percent (5%) on the dollar
- (14) For receiving and paying over all privileged taxes on litigation- two percent (2%) on the dollar
- (15) For providing a certified copy of a final judgement- \$3.00
- (16) For receiving and handling motor vehicle license/or submitting abstracts on motor vehicle violations- \$2.00
- (17) For preparing and mailing correspondence notifying defendants and attorneys of record of the setting of cases on the court docket- \$2.00
- (18) Where a warrant is dismissed as a result of a diversion program- \$25.00
- (19) In all cases where a fine is imposed, but is to be paid in installments, the clerk shall charge a fee for services in administering a deferred payment plan in the amount of five percent (5%) of the total, not to exceed fifteen dollars (\$15.00)
- (20) In each new case filed, the clerk may, at his option, charge an additional fee for data entry, such fee shall be \$2.00. (2003 Code, § 9-702)

**TITLE 4**  
**MUNICIPAL PERSONNEL**

**CHAPTER**

- 1 SOCIAL SECURITY
- 2 VACATION AND SICK LEAVE
- 3 MISCELLANEOUS REGULATIONS
- 4 OCCUPATIONAL SAFETY AND HEALTH PROGRAM
- 5 TRAVEL AND EXPENSE REGULATIONS

**CHAPTER 1**  
**SOCIAL SECURITY**

SECTION

- 4-101 Policy and purpose as to coverage
- 4-102 Necessary agreements to be executed
- 4-103 Withholdings from salaries and wages
- 4-104 Appropriations for employer's contributions
- 4-105 Records and reports to be made
- 4-106 Exclusions
- 4-107 When effective

**4-101 Policy and purpose as to coverage:** It is hereby declared to be the policy and purpose of the City of Church Hill, Tennessee, to extend, as of the date hereinafter set forth, at the earliest date, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (2003 Code, § 1-701)

**4-102 Necessary agreements to be executed:** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the Director of Old Age and Survivors Insurance Agency State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in § 4-101. (2003 Code, § 1-702)

**4-103 Withholdings from salaries or wages:** Withholdings from the salaries or wages of employees and officials for the purpose provided in the §4-101 are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (2003 Code, § 1-703)

**4-104 Appropriations for employer's contributions:** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (2003 Code, § 1-704)

**4-105 Records and reports to be made:** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (2003 Code, § 1-705)

**4-106 Exclusions:**

- (1) There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the City of Church Hill, Tennessee, or any employee, official, or position not authorized to be covered under applicable state or federal laws or regulations.
- (2) There is hereby excluded from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than one thousand dollars (\$1,000.00) on or after January 1, 1995, ending

on or before December 31, 1999 and, the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a state's modification is mailed, or delivered by other means, to the appropriate federal official. (2003 Code, § 1-706)

**4-107 When effective:** It being immediately necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist by reason whereof the provisions in this chapter shall be in full force from and after their passage, approval, and publication as required by law, and shall be effective October 1, 1971. (2003 Code, § 1-707)

**CHAPTER 2**  
**VACATION AND SICK LEAVE**

SECTION

- 4-201 Applicability of chapter
- 4-202 Vacation leave
- 4-203 Sick leave
- 4-204 Leave records

**4-201 Applicability of chapter:** This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (2003 Code, § 1-801)

**4-202 Vacation Leave:** All regular full-time employees of the City are entitled to vacation leave. Vacation leave will accrue during the first year of employment @ 1.54 hours each pay period. This first year of accrual shall be available for carry over into the second year and to be used by the 24th month of employment (2nd anniversary date of hire)

After completion of the first- year, vacation leave shall be granted annually, based on years of service and upon their anniversary date of hire. The employee shall move to the next category and subsequent categories in the vacation leave schedule below;

On the 1-year anniversary date of hire 40 hours will be applied to vacation time.

On the 2-year anniversary date of hire 80 hours will be applied to vacation time

On the 5-year anniversary date of hire 120 hours will be applied to vacation time

On the 10-year anniversary date of hire 160 hours will be applied to vacation time

Beyond the 2nd year anniversary vacation leave must be taken annually and cannot be accumulated from year to year unless an emergency arises and said employee is required to work during scheduled vacation periods in which event said vacation may be carried over to the next year, but no further. The Mayor must approve any vacation time that is carried over to the following year after the second year. Vacation leave must be approved by the Mayor or his designee. Vacation leave must accommodate the City's work schedule. (Ord. 25-527, April 2025)

Vacation must be taken according to the guidelines established in the City of Church Hill Personnel Policy. (2003 Code, § 1-802)

**4-203 Sick Leave:**

- (1) Sick-leave will be allowed and can accumulate for period of one (1) day for each month the employee is employed by the city with accumulation of sick-leave allowed up to a maximum of sixty (60) days.
- (2) Accumulated sick-leave can build to said maximum of sixty (60) days over a period not to exceed five (5) years but with deductions allowed for sick-leave taken within said period to be considered in accumulating said total over said period of time.
- (3) Accumulated sick-leave can build to said maximum of sixty (60) days over a period not to exceed five (5) years but with deductions allowed for sick-leave taken within said period to be considered in accumulating said total over said period of time.
- (4) Sick leave must be taken according to the guidelines established in the City of Church Hill Personnel Policy. (2003 Code, § 1-803, as amended by Ord. #13-462, Aug. 2013)

**CHAPTER 3**  
**MISCELLANEOUS REGULATIONS**

SECTION

4-301 General Purpose

4-302 Nepotism

4-303 Attendance

4-304 Personal absence without pay

4-305 Jury duty

4-306 Garnishments

4-307 Military duties/leave

4-308 Political activity

**4-301 General Purpose:** It is the purpose of the City of Church Hill to establish a fair and uniform system of personnel policies and procedures for all employees of the city in order that the most effective services possible may be delivered to the citizens of the community in keeping with the social and economic needs of the citizens. It shall therefore be the policy of the city that:

- (1) Employment shall be based on merit and fitness, without regard to race, religion, national origin, political affiliation, sex, age, creed or color;
- (2) Just and equitable incentives and conditions of employment may be established and maintained; and
- (3) All applicable state and federal regulations shall apply in personnel administration. (2003 Code, § 1-901)

**4-302 Nepotism:** No person shall be appointed or serve in a position over which a member of his immediate family as a city employee or city official has direct supervisory authority or may effect his or her job performance, job evaluation, or status in any way. Immediate family shall be considered a spouse, children, parents, siblings, foster parents, grandparents, and similar relatives of the employee's spouse. Existing situations may remain but efforts shall be made to minimize the effect of same. (2003 Code, § 1-902)

**4-303 Attendance:** Attendance is mandatory. Failure to report on time and leaving work early will have a direct adverse impact on any raises, promotions, or other terms and conditions of employment. Employees will be paid only for time worked. Should an employee be unable to work or perform his or her assigned duties, the employee shall promptly notify the appropriate supervisor. (2003 Code, § 1-903)

**4-304 Personal absence without pay:** The city recognizes that there may be compelling personal reasons for employees to request from a few minutes to a few days off during the course of employment. In this event, a request must be submitted at least twenty-four (24) hours in advance to the appropriate supervisor (except in the case of emergencies) providing a full explanation of the situation which requires personal absence. Such a personal absence is uncompensated but no more than twenty four (24) hours of personal absence without pay may be taken in any one (1) calendar year. (2003 Code, § 1-904)

**4-305 Jury duty:** Jury duty is a matter of civic obligation. If a full-time employee is called to jury duty, he or she will be paid the usual salary, provided he or she remits to the city any compensation received from court for jury services, and that he or she report to work on any day or any part of a day that he or she is excused from jury duty. (2003 Code, § 1-905)

**4-306 Garnishments:** An assignment or a garnishment of a portion of an employee's compensation is an inconvenient and unnecessary administrative expense to the city. The city may take such disciplinary steps, including dismissal, as are legally allowed and appropriate in the particular matter. (2003 Code, § 1-906)

**4-307 Military duties/leave:**

- (1) Any employee who enters active duty within a branch of the armed forces of the United States will be granted a military leave of absence without pay. Employees who have been granted a military leave of absence will be re-employed in accordance with all applicable Federal and State laws.
- (2) Full-time employees who are members of a military reserve unit that is required to attend a two (2) week training session annually will be allowed to perform that obligation without loss of income. The city may pay any difference between normal pay and the amount received in military pay for the two (2) week period. When returning from military duty, the employee must present his or her military reserve pay voucher to the city recorder who will arrange for such payments. (2003 Code, § 1-907)

**4-308 Political activity:** Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work

not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the governing body. The restriction against running for office in the governing body shall not apply to elective officials (2003 Code, § 1-908)

## **CHAPTER 4**

### **OCCUPATIONAL SAFETY AND HEALTH PROGRAM**

#### SECTION

4-401 Creation and title

4-402 Purpose

4-403 Coverage

4-404 Standards authorized

4-405 Variances from standards authorized

4-406 Administration

4-407 Funding program

**4-401 Creation and title:** There is hereby, created an occupational safety and health program for the employees of City of Church Hill as follows. This chapter shall be known as the Occupational, Safety and Health Program for the employees of the City of Church Hill, Tennessee. (2003 Code, § 1-1001)

**4-402 Purpose:** The City of Church Hill, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement
  - (b) Continually analyze the worksite to identify all hazards and potential hazards; and
  - (c) Develop and maintain methods for preventing or controlling existing or potential hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the state commissioner of labor and workforce development with regard to the adequacy of the form and content of records.
- (5) Consult with the state commissioner of labor and workforce

development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

- (6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- (7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (2003 Code, § 1-1002)

**4-403 Coverage:** The provisions of the Occupational Safety and Health Program Plan for the employees of City of Church Hill shall apply to all employees of each administrative department, commission, board, division, or other agency of the city whether part-time or full-time, seasonal or permanent. (2003 Code, § 1-1003)

**4-404 Standards authorized:** The occupational safety and health standards adopted by the City of Church Hill are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972, Tennessee Code Annotated, title 50, chapter 3. (2003 Code, § 1-1004)

**4-405 Variances from standards authorized:** The City of Church Hill may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with the Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the city shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the safety director of the city shall be deemed sufficient notice to employees. (2003 Code, § 1-1005)

**4-406 Administration:** The board of mayor and alderman shall appoint a director of occupational safety and health to perform duties and to exercise

powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the City of Church Hill, Tennessee. The director shall develop a plan of operation for the program and said plan shall become a part of this ordinance when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (2003 Code, § 1-1006)

**4-407 Funding program:** Sufficient funds for administering and staffing the program pursuant to this ordinance shall be made available as authorized by the Board of Mayor and Aldermen of the City of Church Hill. (2003 Code, § 1-1007)

## **CHAPTER 5**

### **TRAVEL AND EXPENSE REGULATIONS**

#### SECTION

4-501 Purpose

4-502 Enforcement

4-503 Travel Policy

4-504 Travel Reimbursement rate schedules

4-505 Administrative procedures

**4-501 Purpose:** The purpose of this chapter and referenced regulations is to bring the city into compliance with Tennessee Public Acts 1003, chapter 433 which requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body and any official or employee of the municipality whose salary is set by charter or general law" to provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (2003 Code, § 1-1301)

**4-502 Enforcement:** The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (2003 Code, § 1-1302)

#### **4-503 Travel policy:**

- (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.
- (2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation;

lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

- (3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences and similar expenses. Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.
- (4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.
- (5) The travel expense reimbursement form will be used to document all expense claims
- (6) To qualify for reimbursement, travel expenses must be:
  - (a) Directly related to the conduct of the city business for which travel was authorized, and
  - (b) Actual, reasonable and necessary under the circumstances. The CAO may make exceptions for unusual circumstances. Expenses considered excessive, won't be allowed.
- (7) Claims for five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fee, and other reimbursable costs.
- (8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.
- (9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (2003 Code, §1-1303)

**4-504 Travel reimbursement rate schedules:** Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (2003 Code, § 1-1304)

**4-505 Administrative procedures:** The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by the Municipal Technical Advisory Service to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 2003. A copy of the administrative procedures is on file in the office of the city recorder. (2003 Code, § 1-1305)

## TITLE 5

### MUNICIPAL FINANCE AND TAXATION

#### CHAPTER

- 1 MISCELLANEOUS
- 2 PROPERTY TAX
- 3 WHOLESALE BEER TAX
- 4 LOCAL SALES TAX
- 5 PURCHASING

#### CHAPTER 1

### MISCELLANEOUS

#### SECTION

##### 5-101 Bank depository designated

**5-101 Bank depository designation:** The city recorder /treasurer shall from time to time solicit proposals for banking services from local banking institutions so as to maximize the return on idle municipal funds and to minimize the expenses incurred for banking services. To this end, with the advice and consent of the board of mayor and alderman, the city recorder/treasurer shall determine and announce to the board of mayor and alderman at a regularly scheduled meeting the bank depository he officially designates for municipal funds and banking services. (2003 Code, § 1-1103)

Charter references:

For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, § 6-4-402.

## CHAPTER 2

### PROPERTY TAX

#### SECTION

5-201 Tax levied

5-202 When set

5-203 Tax lien on property; when due; when delinquent; interest and penalties

5-204 Assessment of property for taxes

5-205 Recorder to collect

5-206 Tax to be used for any lawful city expenditure

5-207 Collection of delinquent taxes

**5-201 Tax levied:** There is hereby, levied and enacted a tax on all property within the boundaries of the City of Church Hill which is taxable by municipalities under the laws of the State of Tennessee. (2003 Code, § 6-101)

**5-202 When set:** The levy rate is to be set each year before July 1, or as soon thereafter as possible upon the adoption of the City of Church Hill annual budget. (2003 Code, § 6-102)

**5-203 Tax lien on property; when due; when delinquent; interest and penalties:** The tax shall become a lien upon all property on and after January 10th of each year; shall become due and payable on and after October 1st, next following; shall become delinquent on and after March 1st of the year following the date it becomes due and payable; and shall bear interest and penalties as provided by the laws of the State of Tennessee pertaining to municipal taxes. (2003 Code, § 6-103)

**5-204 Assessment of property for taxes:** For purposes of said tax and determination of the amounts due thereunder the assessments made by the County Tax Assessor of Hawkins County, Tennessee, upon property within the boundaries of the City of Church Hill, Tennessee, shall be used and are hereby adopted until such time as the said city may by appropriate action provide a separate means of assessment, and provided that where property lying partly within the city and partly outside the city shall be assessed in one assessment by the said county tax assessor without allocation of value as to the portion lying within the city, in such event, the Board of Mayor and Aldermen of the City of Church Hill shall have full power and authority to determine what part of such assessed value is properly allocable to property within said city.

Utilities and carriers shall be assessed by the means and the manner provided by state law for assessment of such property. (2003 Code, § 6-104)

**5-205 Recorder to collect:** The taxes herein levied shall be paid to the Recorder of the City of Church Hill, Tennessee, or such other official or employee as the city may by ordinance or resolution designate. (2003 Code, § 6-105)

**5-206 Tax to be used for any lawful city expenditure:** All monies collected under this Chapter shall be deposited in the name of the City of Church Hill and said money shall be used for any lawful expenditure of the City of Church Hill, any lawful expenditure being defined from time to time by appropriate action of the Board of Mayor and Aldermen. (2003 Code, § 6-106)

**5-207 Collection of delinquent taxes:** The taxes herein levied may be collected in the same manner as is provided for collection of delinquent municipal taxes by the laws of the State of Tennessee and any ordinance, or ordinances, of the City of Church Hill, Tennessee. (2003 Code, § 6-107)

## CHAPTER 3

### WHOLESALE BEER TAX

#### SECTION

5-301 To be collected

**5-301 To be collected:** The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (2003 Code, § 6-201)

State law reference:

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

## CHAPTER 4

### LOCAL SALES TAX

#### SECTION

5-401 Findings of board

5-402 Tax levied

5-403 State to collect

5-404 Remedies of taxpayers claiming illegal assessment and collections

5-405 Election required for approval of tax

**5-401 Findings of board:** It is in the best interest of the citizens and residents of the City of Church Hill to impose and collect a sales tax upon the sale or use of all personal property, within the City of Church Hill, as allowed under the 1963 Local Option Revenue Act. (2003 Code, § 6-301)

**5-402 Tax levied:** The City of Church Hill hereby adopts the provisions of the Tennessee Code Annotated, § 67-6-701, and hereby imposes a sales tax on the sale or use of all articles of personal property within the boundaries of the City of Church Hill at the rate of one-half (.5) cent per one dollar (\$1.00), said amount collected not to exceed two dollars and fifty cents (\$2.50) on the sale or use of any single article of personal property. (2003 Code, § 6-302)

**5-403 State to collect:** The Department of Revenue of the State of Tennessee shall collect such tax concurrently with the collection of the state tax and in the same manner as the state tax is collected. (2003 Code, § 6-303)

**5-404 Remedies of taxpayers claiming illegal assessment and collection:** Upon any claim of illegal assessment and collection, the taxpayer shall have all the remedies provided in the Tennessee Code Annotated, and suit shall be brought against the Mayor of the City of Church Hill in such instances. (2003 Code, § 6-304)

**5-405 Election required for approval of tax:** An election shall be held in the City of Church Hill within sixty (60) days after the adoption of the provisions in this chapter, with all registered voters having an option to vote for or against the ordinance, said election to be held in conjunction with the Church Hill city election on June 15, 1972. In the event the ordinance is approved by the voters of the City of Church Hill it shall become effective forty (40) days after the date of approval. (2003 Code, § 6-305)

The local sales tax ordinance, Ordinance no. 83, was approved by the voters on June 15, 1972, by a vote of 269 to 154.

## **CHAPTER 5**

### **PURCHASING**

#### SECTION

5-501 Applications

5-502 Limits on purchases

5-503 Advertising and bidding- exceptions

5-504 Advertising and bidding- expenditures of less than \$5,000

5-505 Additional authority of board

**5-501 Application:** This chapter shall apply to all purchases by authorized officials using or encumbering municipal funds, except as follows:

(1) This chapter shall not apply to purchases made under the provisions of Tennessee Code Annotated, § 12-3-1001;

(2) This chapter shall not apply to investments in or purchases from the pooled investment fund established pursuant to Tennessee Code Annotated, § 9-17-105;

(3) This chapter shall not apply to purchases from instrumentalities created by two (2) or more cooperating governments such as, but not limited to, those established pursuant to the Interlocal Cooperation Act, compiled in Tennessee Code Annotated, title 12, chapter 9; and

(4) This chapter shall not apply to purchases from nonprofit corporations such as, but not limited to, the Local Government Data Processing Corporation, whose purpose or one (1) of whose purposes is to provide goods or services specifically to municipalities. (2003 Code, § 1-1501)

**5-502 Limits on purchases:** All purchases made from funds subject to the authority of this chapter shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made. (2003 Code, § 1-1502)

**5-503 Advertising and bidding- exceptions:** Except as hereinafter provided, all purchases and leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid, except as follows:

(1) Purchases costing less than five thousand dollars (\$5,000.00); provided, that this exemption shall not apply to purchases of like items which individually cost less than five thousand dollars (\$5,000.00), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed five thousand dollars (\$5,000.00) during any

fiscal year;

- (2) Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the mayor and the board of mayor and alderman and shall include all items of information as required for the record;
- (3) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the person or body authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the board of mayor and aldermen and the mayor, and shall include all items of information as required in the record;
- (4) Leases or lease-purchase agreements requiring total payments of less than five thousand dollars (\$5,000.00) in each fiscal year the agreement is in effect; provided, that this exemption shall not apply to leases of like or related items which individually may be leased or lease-purchased with total payments of less than five thousand dollars (\$5,000.00) in any fiscal year, but which are customarily leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would be five thousand dollars (\$5,000.00) or more in any fiscal year;
- (5) Purchases, leases, or lease-purchases of real property;
- (6) Purchases, leases, or lease-purchases from any federal, state, or local governmental unit or agency of secondhand articles or equipment or other materials, supplies, commodities, and equipment;
- (7) Purchases of perishable commodities from the requirements of public advertisement and competitive bidding, when such items are purchased in the open market. A record of all such purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such purchases shall be made, at least monthly, to the mayor and the board of mayor and alderman, and shall include all items of information as required in the record. Fuel and fuel products may be purchased in the open market without public advertisement, but shall

whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services' contract where available; and

- (8) Purchases, for resale, of natural gas and propane gas. (2003 Code, § 1-1503)

**5-504 Advertising and bidding- expenditures less than \$5,000:** All purchases, leases, or lease-purchase arrangements with expenditures of less than five thousand dollars (\$5,000.00) but more than one thousand dollars (\$1,000.00) in any fiscal year may be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids. Purchases, leases, or lease-purchases of one thousand dollars (\$1,000.00) or less in any fiscal year shall not require any public advertisement or competitive bidding. (2003 Code, § 1-1504)

**5-505 Additional authority of board:**

- (1) The board of mayor and alderman may, by resolution, lower the dollar amounts required in this chapter for public advertisement and competitive bidding to an amount to be set by the board.
- (2) The board of mayor and alderman may, by resolution, adopt regulations providing procedures for implementing the provisions of this chapter. (2003 Code, § 1-1505)

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

**CHAPTER**  
**1 POLICE AND ARREST**

**CHAPTER 1**  
**POLICE AND ARREST**

**SECTION**

- 6-101 Policemen subject to chief's orders
- 6-102 Policemen to preserve law and order, etc.
- 6-103 Policemen to wear uniforms and be armed
- 6-104 When policemen to make arrests
- 6-105 Policemen may require assistance
- 6-106 Disposition of persons arrested
- 6-107 Police department records
- 6-108 Police department policies and procedures manual approved

**6-101 Policemen subject to chief's orders:** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (2003 Code, § 1-401)

**6-102 Policemen to preserve law and order, etc.:** Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (2003 Code, § 1-402)

**6-103 Policemen to wear uniforms and be armed:** All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (2003 Code, § 1-403)

**6-104 When policemen to make arrests:** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman 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 reasonable cause to believe the person has committed it. (2003 Code, § 1-404)

**6-105 Policemen may require assistance:** It shall be unlawful for any male person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (2003 Code, § 1-405)

**6-106 Disposition of persons arrested:** Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (2003 Code, § 1-406)

**6-107 Police department records:** The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen
- (3) All police investigation a made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police (2003 Code, § 1-407)

**6-108 Police department policies and procedures manual approved:** The policies and procedures manual promulgated and approved by the board of mayor and aldermen on March 16, 1993, is approved and adopted as the official policy of the City of Church Hill. The chief of police shall from time to time make recommendations to the board of mayor and aldermen as to the improvement and additions to said manual but all alterations of the police department policies and procedures manual shall be approved by the board of mayor and aldermen. (2003 Code, § 1-408)

**TITLE 7**  
**FIRE PROTECTION AND FIREWORKS**

**CHAPTER**

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

**CHAPTER 1**  
**FIRE DISTRICT**

**SECTION**

7-101 Fire Limits described

**7-101 Fire limits described:** The corporate fire limits shall be and include all that area of the city zoned as the central business district. (2003 Code, § 7-101)

Municipal code reference:  
Building, utility and housing codes: title 12  
Burning of refuse: § 13-101

## **CHAPTER 2**

### **FIRE CODE<sup>1</sup>**

#### SECTION

7-201 Fire code adopted

7-202 Available in recorder's office

7-203 Violations and penalty

**7-201 Fire code adopted:** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code,<sup>2</sup> 2006 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Said international fire code is adopted and incorporated as fully as if set out at length herein and shall be controlled within the corporate limits.

**7-202 Available in recorder's office:** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**7-203 Violations and penalty:** It shall be a civil offense for any person to violate or fail to comply with any provision of the fire 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.

<sup>1</sup>Municipal code reference:

Fire Code: Building, utility and housing codes: title 12.

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

## **CHAPTER 3**

### **FIRE DEPARTMENT<sup>1</sup>**

#### SECTION

7-301 Establishment and membership

7-302 Objectives

7-303 Organization, rules and regulations

7-304 Review committee

7-305 Records and reports

7-306 Tenure of chief

7-307 Equipment and funding

7-308 Training and maintenance

7-309 Equipment to be used within municipal limits of the City of Churh hill

7-310 Chief to be assistant to state officer

7-311 Status

7-312 Liability and other insurance

**7-301 Establishment and membership:** There is hereby established a municipal fire department to be equipped from appropriations by the board of mayor and aldermen. The municipal fire department is to be staffed by city employees and volunteers. The chief shall be appointed by the board of mayor and aldermen. (2003 Code, § 7-301)

**7-302 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 fire
- (3) To confine fires to their places of origin and to extinguish them
- (4) To prevent loss of life from asphyxiation
- (5) To perform such rescue work as equipment and training of personnel make practicable (2003 Code, § 7-302)

<sup>1</sup>Municipal code reference

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

**7-303 Organization, rules and regulations:** The fire chief shall, with the consent and approval of the board of mayor and aldermen, set up the internal organization of the municipal fire department. He shall make definite assignments to individuals, and shall, subject to the approval of the mayor and aldermen, formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. The chief shall have the authority to suspend any member of the municipal fire department for violating the departmental rules and regulations or whenever he deems it necessary for the continuing efficient operation of the department. (2003 Code, § 7-303)

**7-304 Review committee:** Any suspended member, either volunteer or city employee, shall have the option of appealing his suspension to the board of mayor and aldermen. The board shall, after affording the aggrieved member an opportunity to present his position, either orally or in writing, at a regular or special meeting affirm the suspension, modify the suspension, or remove the suspended member. (2003 Code, § 7-304)

**7-305 Records and reports:** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, charitable contributions, personnel, and work of the department. He shall submit a written report on such matters to the mayor prior to each regular meeting of the board of mayor and aldermen. At the end of the year, a detailed annual report shall be made and submitted. (2003 Code, § 7-305)

**7-306 Tenure of chief:** The mayor shall have the authority to suspend the fire chief for a period not to exceed thirty (30) days. In the event such suspension is required for the proper functioning of the administration of the department, the mayor shall announce, at the next regular meeting of the board of mayor and aldermen, the facts of the suspension and make recommendations to the board regarding the chief's future status. The suspended fire chief shall be allowed to state his position regarding the suspension and the mayor's recommendations if he so desires. The board, shall by majority vote, act upon the mayor's recommendations. At the beginning of each fiscal year, the board of mayor and aldermen shall exercise the option of appointing a new fire chief or reappointing

the incumbent fire chief. (2003 Code, § 7-306)

**7-307 Equipment and funding:** The fire department shall be funded whenever necessary from the treasury of the city. The municipal fire department shall also accept donations from the general public which shall be used to defray the expenses of the operation of the municipal fire department and to purchase firefighting equipment and supplies. Any equipment donated to the fire department shall be the sole property of the City of Church Hill. Fire protection apparatus and equipment purchased with appropriations from the treasury of the City of Church Hill or with charitable contributions shall be the property of the city. (2003 Code, § 7-307)

**7-308 Training and maintenance:** The chief of the municipal fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the municipal fire department. Fire department personnel shall hold not less than one practice training session a month. (2003 Code, § 7-308)

**7-309 Equipment to be used within the municipal limits of the City of Church Hill:** The Church Hill municipal fire department shall respond to calls for firefighting and fire protection within the corporate limits of the City of Church Hill. The board of mayor and aldermen may, in its discretion, and by resolution, authorize fire protection activity at other locations in Hawkins County upon such conditions as the board deems is in the best interests of the citizens of Church Hill. Reciprocal mutual assistance agreements may be executed with other municipalities and other volunteer fire departments as the board deems necessary and proper. (2003 Code, § 7-309)

**7-310 Chief to be assistant to state officer:** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the municipal fire department is hereby designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (2003 Code, § 7-310,

modified)

**7-311 Status:** All members of the municipal fire department who are not employed by the city in another capacity, serve as volunteers and, with their application and agreement to serve, acknowledge that they are not employees of the City of Church Hill but are serving their community for fire protection purposes. Volunteer members shall serve without compensation. (2003 Code, §7-311)

**7-312 Liability and other insurance:** The City of Church Hill shall carry and pay the premiums on liability insurance to cover the hazards of municipal and volunteer firemen operating fire trucks and equipment over the public highways and roads. The city may also carry collision insurance on all of its fire department vehicles. The City of Church Hill may, if financially possible, provide medical and wage loss indemnity insurance coverage for volunteer members of the municipal volunteer fire department in order to compensate, in so far as the policy provides, volunteer firemen for medical expenses and any actual wage loss suffered from their regular job as a result of an injury incurred during the volunteer member's participation in firefighting activities on behalf of the City of Church Hill. The city's financial responsibility to its firemen is limited by this chapter to paying the premiums on whatever liability, indemnity, medical and workers' compensation insurance is purchased, if any. The City of Church Hill is not responsible for the actual medical expenses and actual lost wages of any member in the municipal volunteer fire department either as a current city employee or a volunteer, in the event that any insurance carrier becomes insolvent or otherwise defaults upon its obligations to pay any claim under the insurance policy purchased by the City of Church Hill. (2003 Code, § 7-312)

## **CHAPTER 4**

### **FIREWORKS**

#### **SECTION**

7-401 Storage and sale restricted

7-402 Use of fireworks restricted

7-403 Special displays, permits required

7-404 Penalty for violation

7-405 Use by railroads

**7-401 Storage and sale restricted:** It shall be unlawful for any person, firm, partnership, or corporation to store or sell in or to ship into the corporate limits of Church Hill any pyrotechnics common fireworks except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. Permissible fireworks may only be sold on a seasonal basis from June 20 through July 5, and from December 10 through January 2. No fireworks may be sold between the hours of 11:00 P.M. and 8:00 A.M., Monday through Sunday, or from 8:00 A.M. to 1:00 P.M., Sunday. (as added by Ord. #11-450, Nov. 2011)

**7-402 Use of fireworks restricted:** It shall be unlawful for any person to fire, set off, shoot, or discharge, or otherwise explode any fireworks within the corporate limits of Church Hill, except that it is permissible for persons to fire, set off, shoot, discharge, or otherwise explode fireworks at their residences providing that:

- (1) The igniting and final firing or exploding is done within property lines for the person doing the firing;
- (2) The fireworks may only be fired, set off, shot, discharged, or exploded on a seasonal basis from July 3 through July 5, and from December 24 through January 2.

Streets, roadways, and alleys maintained by the State of Tennessee or the City of Church Hill and adjacent to sidewalks adjacent to the property from which fireworks are being exploded or fired are to be construed as outside the property lines of the person exploding fireworks, it being the intent of this chapter to prohibit the use of fireworks on all public streets, roadways, city parks, alleys and

sidewalks within the City of Church Hill.

- (3) No fireworks on any date shall be ignited, fired, or exploded between the hours of 11:00PM and 8:00AM, Monday through Sunday, or from 8:00AM to 1:00PM, Sunday.(as added by Ord.#11-450, Nov. 2011)

**7-403 Special displays, permits required:** Nothing in this chapter shall be construed as applying to the use of fireworks for public displays by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public displays only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of Interstate Commerce Commission as "Class B special fireworks" and shall not include such items of commercial fireworks such as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public display shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. Applications for such permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of the City of Church Hill. Permits issued shall be limited to the time specified therein and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributors permit only. (as added by Ord. #11-450, Nov. 2011)

**7-404 Penalty for violation:** Any individual violating any provision of this chapter shall be guilty of a violation of the Church Hill Municipal Code, punishable by a fifty dollar (\$50.00) fine and other applicable court costs.

The Fire Chief of the City of Church Hill and any public safety officer is further authorized to seize any contraband and destroy fireworks which do not comply with the provisions defining allowable fireworks contained in this

chapter pursuant to provisions of Tennessee Code Annotated, § 69-104-115.  
(as added by Ord. #11-450, Nov. 2011)

**7-405 Use by railroads:** Nothing contained herein shall be construed as prohibiting the railroads or other transportation agencies from the use of fireworks for signal purposes or illumination. (as added by Ord. #11-450, Nov. 2011)

**TITLE 8**  
**ALCOHOLIC BEVERAGES**

**CHAPTER**

1 INTOXICATING LIQUORS

2 BEER

3 WINE

**CHAPTER 1**  
**INTOXICATING LIQUORS**

**SECTION**

8-101 Definition of alcoholic beverages

8-102 Consumption of alcoholic beverages on premises

8-103 Privilege tax on retail sale of alcoholic beverages for consumption on the premises

8-104 Annual Privilege tax to be paid to the city recorder

8-105 Certificate of good moral character

8-106 Possession of open containers in motor vehicles and public places, etc., prohibited

8-107 Alcoholic beverage restrictions on persons under twenty-one (21)

**8-101 Definition of alcoholic beverages:** As used in this chapter, unless the context indicates otherwise: Alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contained an alcoholic content of five percent (5%) by weight, or less. (2003 Code, § 2-101, as replaced by Ord. #13-457, April 2013)

**8-102 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 Church Hill, 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 Church Hill, Tennessee, the same as if said code sections were copied herein verbatim. (2003 Code, § 2-102, as replaced by Ord. #13-457, April 2013)

State Law reference:

Tennessee Code Annotated, title 57.

**8-103 Privilege tax on retail sale of alcoholic beverages for consumption on the premises:** Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, § 301, for the City of Church Hill General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Church Hill alcoholic beverages for consumption on the premises where sold. (2003 Code, § 2-104, as replaced by Ord. #13-457, April 2013)

**8-104 Annual privilege tax to be paid to the city recorder:** Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Church Hill shall remit annually to the city recorder the appropriate tax described in § 8-103. 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. (as added by Ord. #13-457, April 2013)

**8-105 Certificate of good moral character:** Whenever an applicant for a license issued pursuant to Tennessee Code Annotated, title 57, chapter 4, is required by law to provide to the state alcoholic beverage commission a certificate of good moral character, the applicant shall apply, in writing to the alcoholic beverage board for a certificate of good moral character, to be executed by the mayor of the city. The alcoholic beverage board with the cooperation of the chief of police shall perform the necessary investigation to advise the mayor as to the moral character of the applicant. (as added by Ord. #13-457, April 2013)

**8-106 Possession of open containers in motor vehicles and public places, etc., prohibited:** It shall be unlawful for any person to possess open cans, bottles or containers of beer or intoxicating liquors in motor vehicles in the city or upon the public streets, sidewalks, or other public places not otherwise permitted by this chapter. (as added by Ord. #13-457, April 2013)

**8-107 Alcoholic beverage restrictions on persons under twenty-one (21):** It shall be unlawful for any person under twenty-one (21) years of age to

purchase, possess, transport, or consume alcoholic beverages, wine, or beer, with the following exceptions:

Any person eighteen (18) years of age or older may transport, possess, sell, or dispense alcoholic beverages, wine, beer in course of his employment in accordance with municipal code § 8-224(c). (as added by Ord. #13-457, April 2013)

## **CHAPTER 2**

### **BEER<sup>1</sup>**

#### **SECTION**

- 8-201 Beer board established
- 8-202 Meetings of beer board
- 8-203 Record of beer board proceedings to be kept
- 8-204 Requirements for beer board quorum and action
- 8-205 Powers and duties of the beer board
- 8-206 “Beer” defined
- 8-207 Sales, storage, manufacture, distribution as privilege
- 8-208 Permit required for engaging in beer business
- 8-209 Privilege tax
- 8-210 Beer permit shall be restrictive
- 8-211 Permits for retail sale, types designated, multiple types prohibited
- 8-212 Permit application
- 8-213 Interference with public health, safety and morals prohibited
- 8-214 Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer
- 8-215 Compliance with zoning as permit prerequisite
- 8-216 Separate permit required for each location
- 8-217 Display of permit
- 8-218 Transferability of permits
- 8-219 Restrictions upon distributors, wholesalers, warehousemen, manufacturers
- 8-220 Restrictions on issuance of retail permits
- 8-221 Disposition of application
- 8-222 Number of retail permits limited
- 8-223 Advertising signs
- 8-224 Revocation or suspension of beer permits
- 8-225 Loss of clerk’s certification for sale of minor
- 8-226 Inspection of premises
- 8-227 Violations
- 8-228 Civil penalty in lieu of revocation or suspension

State Law reference:

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

**8-201 Beer board established:** . There is hereby established a beer board to be composed of the mayor, one alderman to be appointed by the mayor, and three citizens from the municipality, preferably one from each ward, also to be appointed by the mayor, the director of public safety, and the city recorder. All members' terms shall run concurrently with the term of the mayor. The mayor shall preside at its meetings. The members shall serve without compensation. (2003 Code, § 2-201)

**8-202 Meeting of 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-county building 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 to each board member, and the board may adjourn a meeting at any time to another time and place. (2003 Code, § 2-202)

**8-203 Record of beer board proceedings to be kept:** The recorder 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 provisions of each beer permit issued by the board. (2003 Code, § 2-203)

**8-204 Requirements for beer board quorum and action:** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (2003 Code, § 2-204)

**8-205 Powers and duties of the beer board:** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the city in accordance with the provisions of this chapter. (2003 Code, § 2-205)

**8-206 "Beer" defined:** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of

not more than five percent (5%) by weight; provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (Ord. #07-425, Sept. 2007)

**8-207 Sales, storage, manufacturer, distribution as privilege:** The sale, storage, manufacture, and distribution of beer in the city is a privilege, and the beverage board shall have complete discretion to issue, revoke, and suspend all permits or licenses to sell, store, manufacture or distribute beer in the city. (2003 Code, § 2-207)

**8-208 Permit required for engaging in beer business:** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a nonrefundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Church Hill. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #07-425, Sept. 2007)

**8-209 Privilege tax:** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City of Church Hill, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #07-425, Sept. 2007)

**8-210 Beer permit shall be restricted:** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to

comply with any and all expressed restrictions or conditions which may be written into his permit by the beer board. (2003 Code, § 2-209)

**8-211 Permits for retail sale; types designated, multiple types prohibited:** Permits for the retail sale of beer shall be of two types:

- (1) On-premise permits: On-premise permits shall be issued for the consumption of beer on the premises.
- (2) Off-premise permits: Off- premise permits shall be issued for the sale of both refrigerated and unrefrigerated beer to be consumed off the premises.
- (3) No person shall be issued both types of permits for the same location;
- (4) Only natural persons shall apply for, and when appropriate, be granted off-premise permits for retail sale of beer. If a corporation owns and operates a merchandising business, the principal office shall make applications for the permit. If a partnership or syndicate operates a merchandising establishment, the general partner in charge of the day-to-day business operations of the business shall make application for the beer permit. (2003 Code, § 2-210)

**8-212 Permit application:** A person desiring a beer permit required by the provisions of this chapter shall apply in writing to the board upon a form approved and prescribed by it. Such application shall contain the following:

- (1) The name and residence of the applicant and the length of time the applicant has resided here;
- (2) The particular place for which the permit is desired, designating the same by street and number, if practicable, and if not, by such other apt description;
- (3) The type of permit desired;
- (4) The name of the owner of the business premises;
- (5) A statement the no person will be employed in the storage, sale, manufacture or distribution of such beverage except those who are citizens of the United States or aliens lawfully residing in the United States;
- (6) A statement that the applicant will not engage in the sale, storage, manufacture or distribution of beer except at the place or places for which the license or permit is issued to such applicant, and that no sale, storage, manufacturing or distribution of such beverage will be made except in accordance with the permit or license granted;
- (7) A statement that no sale will be made to persons under the age required by state law, that the applicant will not permit minor persons or disorderly or disreputable persons, or individuals heretofore connected with the violation

of the liquor laws, to loiter around the place of business, and that no minors shall be employed in the direct sale, storage, manufacture or distribution of beer;

- (8) A statement that the applicant has not had revoked any license or permit for the sale, storage, manufacture or distribution of beer;
  - (9) A statement that neither the applicant nor any person employed or to be employed by him in the distribution, storage, manufacture or sale of beer has ever been convicted of any violation of the liquor and beer laws or of any crime involving moral turpitude;
  - (10) A statement that the applicant will be conducting the daily business in person;
  - (11) A Statement that no brewer, manufacturer, distributor or warehouseman of legalized beer has any interests in the business, or business premises;
  - (12) A statement that the applicant is willing to be fingerprinted by the police department of the City of Church Hill and to be investigated by municipal, county, state and federal law enforcement agencies;
  - (13) A statement by the applicant that he agrees to comply with all of the laws of the United States, the State of Tennessee and the Ordinances of the City of Church Hill;
  - (14) An oath or affidavit by the applicant that the facts represented in the application are true;
  - (15) Any application which does not contain affirmative responses to all representations requested therein shall not be considered by the beer board.
- (2003 Code, § 2-211, modified)

**8-213 Interference with public health, safety and morals prohibited:**

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. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within four hundred (400) feet of any school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the building in which the business is located and from which beer will be manufactured, stored or sold to the nearest point on the building of the school, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (Ord. #07-425, Sept. 2007) (Ord. 25-525, March 2025)

**8-214 Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer:** It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

- (1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer
- (2) Make or allow the sale of beer between the hours of 12:00 Midnight and 8:00AM Monday through Saturday and between the hours of 12:00 Midnight Saturday and 8:00 AM on Monday
- (3) Allow any person under twenty-one (21) of age to loiter in or about his place of business
- (4) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person
- (5) Allow drunk persons to loiter about his premises
- (6) Serve, sell or allow the consumption on his premises of any alcoholic beverages with an alcoholic content of more than five percent (5%) by weight
- (7) Allow pool or billiard playing in the same room where beer is sold and/or consumed
- (8) Fail to provide and maintain separate sanitary toilet facilities for men and women ( Ord. #07-425, Sept. 2007)

**8-215 Compliance with zoning as permit prerequisite:** No retail permit shall be issued to any person to sell beer from or at any place, premises or location which constitutes a nonconforming use under the zoning laws and ordinances of the city in effect at the time of application for such permit or license. (2003 Code, § 2-214)

**8-216 Separate permit required for each location:** A separate permit shall be obtained for each location at which and from which any applicant is to manufacture, store, distribute or sell beer. (2003 Code, § 2-215)

**8-217 Display of permit:** All permittees hereunder shall display and keep displayed their beer permits in a conspicuous place on the premises where they are licensed to conduct such business. (2003 Code, § 2-216)

**8-218 Transferability of permits:** Permits for the sale, storage, manufacture or distribution of beer hereunder shall not be transferable. (2003 Code, § 2-217)

**8-219 Restrictions upon distributors, wholesalers, warehousemen, manufacturers:**

- (1) All distributors, wholesalers, warehousemen and manufacturers of beer shall be duly licensed under the law to do business in the state
- (2) All distributors, wholesalers, manufacturers and warehousemen of beer having a place of business within the city shall locate same in areas designated and zoned for manufacturing under the ordinances of the city.
- (3) It shall be unlawful for any wholesaler, distributor, warehousemen or manufacturer of beer, or for any of their salesmen or representatives to sell or deliver beer en route, or from delivery vehicles, to any person or place other than holders of valid retail beer permits.
- (4) It shall be the duty of such wholesaler, distributor, warehouseman or manufacturer, their salesmen or representatives to ascertain whether or not such person or place has been issued a valid retail beer permit by the city. (2003 Code, § 2-218)

**8-220 Restrictions on issuance of retail permits:**

- (1) Permits issued for the retail sale of beer for on-premises consumption of beer shall be limited to sale for consumption in and to be served to and consumed by members and guests in the rooms of a building designated and occupied by a regularly incorporated non-profit lodge or patriotic organization or to customers in an operating restaurant as defined in subsection (1)(b) below.

(a) Prior to applying for an on-premises beer permit, any lodge or patriotic organization requesting a permit shall have been in existence for at least one (1) year prior to its applying for the permit and shall have been granted a charter by the Secretary of State or by authority of an Act of Congress of the United States. The building used by said lodge or patriotic organization and must be owned or leased for a term of years by the organization.

- (b) The owner or manager of any restaurant doing business, or intending to do business, within the corporate limits or the city, may apply for a permit for the on-premises retail sale and consumption of beer if the restaurant meets the following criteria:

"Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with an adequate and sanitary kitchen, with a separate dining room with suitable equipment

and a seating capacity of at least fifty (50) people at tables or booths, and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its customers. At least two (2) meals per day shall be served on at least six days a week, with the exception of holidays, vacation, and periods of redecorating. The serving of such meals shall be the principal business conducted on the restaurant's premises. No signs advertising the sale of beer for on-premises consumption shall be erected or allowed on the restaurant premises.

(2) Off-premises permits may be issued only to bona fide merchants in the retail grocery business who have been conducting said grocery merchandising business on and from property zoned for business purposes in the City of Church Hill. "Bona-fide merchants" shall mean persons regularly operating and conducting a grocery merchandising business that is stocked with grocery items and merchandise and have been for at least one (1) year on-going concerns operating to serve the public on a regular basis, with regular established business hours of operation at some location within the State of Tennessee. Successor owners and operators of a grocery merchandising business may apply for a beer permit so long as the business has been operating for more than one (1) year at the same location under prior owners. The structure from which said merchants operate must be of a permanent wooden or brick construction.

(3) Each merchant applicant for a beer permit must exhibit to the beer board his proposed plans showing where beer will be stored and displayed. Area devoted to the sale of beer must not exceed twenty-five percent (25%) of the floor space and storage area used in the business.

(3) Those persons who have valid beer permits but who are not grocery merchants at the time of the passage of the ordinance comprising this chapter are exempted from the requirements of this section. All new applicants must conform to the requirements of this section unless they are purchasers of a continuing business whose owners are current beer permit holders. (2003 Code, § 2-219)

**8-221 Disposition of application:** Each application for a beer permit under this chapter shall be filed with the city recorder, and no final action shall be taken by the beer board until sixty (60) days after the filing of said application. (2003 Code, § 2-221)

**8-222 Number of retail permits limited:** The number of retail beer establishments for the City of Church Hill, Tennessee, shall be no more than ten (10) off-premises and five (5) on-premises establishments. There shall be no more than fifteen (15) permits issued and outstanding for the sale of beer at retail at any time. (2003 Code, § 2-222)

**8-223 Advertising signs:** It shall be unlawful for any person authorized to sell beer, either for on-premises consumption or off-premises use, to erect or maintain more than one advertising or display sign to be placed either inside or upon the outside of the building. Said sign may use the word "beer" or the name of any brand of beer. Said advertising or display sign shall not exceed four (4) inches in height and eighteen (18) inches in length. If on the outside of the building, the sign shall be placed parallel with the building. (2003 Code, § 2-223)

**8-224 Revocation or suspension of beer permits:** The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

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. (Ord. #07-425, Sept. 2007)

**8-225 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. #07-425, Sept. 2007)

**8-226 Inspection of premises permitted:** It shall be the duty of designated police officers of the City of Church Hill to inspect the place of business and premises of the holders of permits and licenses under this chapter. It shall be unlawful for any permittee to refuse to permit any such inspection during any such time that such place is open for business and refusal of inspection shall be grounds for revocation of permit. (2003 Code, § 2-226)

**8-227 Violations:** Except as provided in § 8-224, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provisions of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #07-425, Sept. 2007)

**8-228 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 other 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. #07-425, Sept. 2007)

## CHAPTER 3 WINE

### SECTION

8-301 Inspection fee

8-302 Wholesaler's retention

8-303 Reporting period/frequency

8-304 Late payment penalty

**8-301 Inspection Fee:** There shall be imposed on each retail food store wine licensee located within the City of Church Hill an inspection fee of eight percent (8%) of the wholesale price of wine sold to aforesaid licensees, to be collected by the wholesalers from the retailer during distribution. (as added by Ord. #16-481, May 2016)

**8-302 Wholesaler's retention:** Each wholesaler referenced in § 8-301 shall be entitled to retain five percent (5%) of the amount collected for performing the collection. (as added by Ord. #16-481, May 2016)

**8-303 Reporting period/frequency of payments:** Each collection period shall be a full month, beginning with the 1st day of the month, and payments shall be remitted to the municipality by the 20th of the following month. (as added by Ord. #16-481, May 2016)

**8-304 Late payment penalty:** Pursuant to Tennessee Code Annotated, § 57-3-503(b), a penalty of ten percent (10%) is assessed for any payment made after the 20th of each month. (as added by Ord. #16-481, May 2016)

**TITLE 9**  
**BUSINESS, PEDDLERS, SOLICITORS, ETC.**

**CHAPTER**

1 PEDDLERS, ETC.

2 GARAGE SALES AND FLEA MARKETS

**CHAPTER 1**  
**PEDDLERS, ETC.**

**SECTION**

9-101 Permit required

9-102 Exemptions

9-103 Application for permit

9-104 Issuance or refusal of permit

9-105 Appeal

9-106 Bond

9-107a Loud noises and speaking devices

9-107b Hours of outdoor music performance and amplified sound within  
commercial businesses

9-108 Use of streets

9-109 Exhibition of permit

9-110 Policemen to enforce

9-111 Revocation or suspension of permit

9-112 Reapplication

9-113 Expiration and renewal of permit

**9-101 Permit required:** It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefore in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. Only one (1) permit shall be issued per application. Group permits are prohibited. (2003 Code, § 5-101, as amended by Ord. #12-454, Jan. 2013)

Municipal code references:

Title 12 Building, Plumbing, wiring and housing regulations:

Title 13 Junkyards

Title 8 Liquor and beer regulations

Title 11 Noise reductions

Title 14 Zoning

Municipal code references:

Title 5 Privilege Taxes

**9-102 Exemptions:** The terms of this chapter shall not be applicable to persons selling, at wholesale, to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (2003 Code, § 5-102)

**9-103 Application for permit:** Applicants for a permit under this chapter must file with the recorder a sworn written application containing the following:

- (1) Name and physical description of applicant
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship
- (5) The length of time for which the right to do business is desired
- (6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant
- (7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate, properly, the applicant's moral reputation and business responsibility.
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.
- (9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (10) At the time of filing the application, a fee established by resolution of the board of mayor and aldermen shall be paid to the municipality to cover the cost of investigating the facts stated therein. (2003 Code, § 5-103)

**9-104 Issuance or refusal of permit:**

- (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours
- (2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the recorder shall notify the applicant that his application is disapproved and that no

permit will be issued.

- (3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-106. The recorder shall keep a permanent record of all permits issued. (2003 Code, § 5-104)

**9-105 Appeal:** Any person aggrieved by the action of the chief of police and/or the recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (2003 Code, § 5-105)

**9-106 Bond:** Every permittee shall file with the recorder a surety bond running to the city in the amount of ten thousand dollars (\$10,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (2003 Code, § 5-106, as amended by Ord. #12-454, Jan. 2013)

**9-107 Loud noises and speaking devices:**

- (a) No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall

be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (2003 Code, § 5-108)

- (b) **Hours of outdoor music performances and amplified sound within commercial businesses;** Any musical performance either live or presented in recorded form by a disc jockey or master of ceremonies or any amplified sound at any commercial or business venue within the corporate limits of the City of Church Hill shall be and is hereby restricted in their hours of performance to commence no earlier than 9:00AM and cease no later than 11:00PM; provided no sound shall exceed eighty-five (85) decibels at fifty feet (50') from the site of amplified sound for any business or commercial venue. Any amplified sound for civic, educational or school activity, including sporting events, shall not be restricted as to time or decibel. (Ord. #23-511, May 2023)

**9-108 Use of streets:** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (2003 Code, § 5-108)

**9-109 Exhibition of permit:** Permittees are required to exhibit their permits at the request of any policeman or citizen. (2003 Code, § 5-109)

**9-110 Policemen to enforce:** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (2003 Code, § 5-110)

**9-111 Revocation or suspension of permit:**

- (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:
- (a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.
  - (b) Any violation of this chapter
  - (c) Conviction of any crime or misdemeanor
  - (d) Conducting the business of peddler, canvasser, solicitor, transient

merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (2003 Code, § 5-111)

**9-112 Reapplication:** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (2003 Code, § 5-112)

**9-113 Expiration and renewal of permit:** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (2003 Code, § 5-113)

**CHAPTER 2**  
**GARAGE SALES AND FLEA MARKETS**

**SECTION**

9-201 Definitions

9-202 Permit required

9-203 Sale conditions

9-204 Restrictions on garage sales and flea markets

9-205 Inspection and penalty

**9-201 Definitions:** for the purposes of this chapter, the following phrases are defined as follows;

- (1) "Garage sale" shall mean and include all general sales, open to the public, conducted from or on a residential premise in any residential zone for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "patio," "flea market," or "rummage" sale. This definition shall not include a situation where no more than five (5) specific items are held out for sale and all advertisements of such shall specifically name those items to be sold.
- (2) "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, the sale of which at garage sales is expressly prohibited. (2003 Code, § 5-601)

**9-202 Permit required:**

- (1) It shall be unlawful for any individual or group of individuals to engage in any garage sale as defined above without having first obtained a permit therefore from the recorder for the City of Church Hill. The property owner desiring to conduct the garage sale shall apply on a form provided in person at the city offices by submitting an application at least one (1) day prior to the proposed garage sale. Each application shall be accompanied by a processing fee established by resolution of the board of mayor and alderman. A permit shall be posted in a conspicuous place during each garage sale
- (2) A governmental entity, church, school, veterans organization, fraternal organization, or other civil or charitable non-profit organization desiring to conduct a flea market sale or garage sale must obtain a permit but shall not

be required to pay permit fee nor be subject to the restrictions set out in § 5-904 (2),(3) and (4). (2003 Code, § 5-602)

**9-203 Sale Conditions:**

- (1) A garage sale shall be limited in time to no more than two (2) consecutive days and must begin and end during the daylight hours.
- (2) No signs advertising the sale or giving directions to its location shall be used, erected, or allowed within the public rights-of-way. No more than two (2) signs shall be displayed in the yard of the sale. No more than three (3) signs giving directions shall be placed on private property leading to the location of the sale.
- (3) The signs permitted by this section shall not be posted more than two (2) days prior to the sale and shall be removed by the end of the daylight on the last day of the garage sale.
- (4) The parking of automobiles during the garage sale must conform with all parking rules and regulations of the city, must not block private driveways, must not impede traffic, and must not constitute trespass upon the property of other residents. (2003 Code, § 5-603)

**9-204 Restrictions on garage sales and flea markets:**

- (1) It shall be unlawful for any person to hold more than four (4) such sales at the same location within one (1) year preceding the date of such person's current sale.
- (2) No garage sale, flea market operation, or peddling activities shall be conducted on property zoned for business, commercial, or industrial uses. It is the intent of this chapter to restrict garage sales, rummage sales, or flea market sales to the residential premises of the owner or occupier of property so as to minimize the annoyance to the public and yet enable a property owner to dispose of his own unwanted accumulated personal property.
- (3) No tents, awnings, or other temporary structures shall be erected or placed on the property in connection with the garage sale.
- (4) Flea market activities in which private individuals sell personal property from booths or stations on the property of another are declared to be illegal and a public nuisance. (2003 Code, § 5-604)

**9-205 Inspection and penalty:**

- (1) Any police officer of the city shall have the right of entry to any

premises showing evidence of a garage sale for the purposes of enforcement or inspection and may close the sale and may issue a citation to any individual who is violating the provisions of this ordinance.

- (2) Every individual article of personal property sold in violation of this chapter shall constitute a separate offense and every day a sale is conducted in violation of this chapter shall constitute a separate offense.
- (3) Any person convicted of violating the terms of this chapter shall be fined not less than ten (\$10.00) dollars and not more than fifty (\$50.00) dollars for each separate offense or violation.
- (4) The conducting of a garage sale without obtaining a permit or the committing of a violation of the terms of this chapter during a garage sale shall constitute a nuisance which the city may abate by the filing of an appropriate complaint for injunctive relief in the Chancery Court or Circuit Court for Hawkins County. (2003 Code, § 5-605)

**TITLE 10**  
**ANIMAL CONTROL**

**SECTION**

- 1 IN GENERAL
- 2 DOGS AND CATS
- 3 ANIMALCONTROL

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

**SECTION**

- 10-101 Running at large
- 10-102 Keeping near a residence or business restricted
- 10-103 Pen or enclosure to be kept clean
- 10-104 Other restrictions on keeping
- 10-105 Seizure and disposition of offending animals
- 10-106 Abandonment
- 10-107 Humane treatment of animals
- 10-108 Interference with animal control officers prohibited
- 10-109 Animals in public parks

**10-101 Running at large prohibited:** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, hogs, mules, or 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. (2003 Code, § 3-101)

**10-102 Keeping near a residence or business restricted:** No person shall keep any animal or fowl enumerated in the preceding section within five hundred (500) feet of any residence, place of business or public street without a permit from the animal control officer of the city. The animal control officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (2003 Code, § 3-102)

**10-103 Pen or enclosure to be kept clean:** When animals or fowls are kept within the corporate limits the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (2003 Code, § 3-103)

**10-104 Other restrictions on keeping:** No animal or fowl of any kind shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (2003 Code, § 3-104)

**10-105 Seizure and disposition of offending animals:** Any animal or fowl running at large or otherwise being kept in violation of this chapter may be seized by the animal control officer or any policeman and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he/she shall be given notice in person, by telephone, or by a postcard addressed to his/her last known mailing address. The animal or fowl may be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, the animal or fowl shall be kept for three (3) days and then humanely destroyed. (2003 Code, § 3-105)

**10-106 Abandonment:** No owner shall abandon any animal. "Abandonment" means leaving such animal for a period in excess of twenty-four (24) hours, without providing for food and water. No person shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found abandoned, such animal may be taken by an animal control officer or police officer and confined in a pound provided or designated by the board of mayor and aldermen. Such animal shall be kept for not less than three (3) days and then may be humanely destroyed. In the event that an animal is "abandoned," the owner or the person, if any, who has been charged with the animal's care, shall be subject to citation for violation of this section. (2003 Code, § 3-106)

**10-107 Human treatment of animals:**

- (1) No person shall intentionally or knowingly:
  - (a) Torture, maim, or grossly over-work an animal;
  - (b) Fail to provide the minimum necessary food, water, care or shelter for an animal in that person's custody;
  - (c) Transport or confine an animal in a cruel manner;
  - (d) Inflict burns, cuts, lacerations or other injuries or pain, by any method, on any animal;
  - (e) Mutilate any animal whether dead or alive;
  - (f) Place any poisonous substance which may be harmful to domestic animals in any location where it may be readily found and eaten by such domestic animal; or

(g) Permit any dog fight, cock fight or other combat between animals.

(2) Any animal involved in a violation of any portion of this section may be confiscated by the animal control officer or police officer and held. Upon conviction of the owner of such domestic animals, any animal so confiscated shall become the property of the animal control department, and the owner of the animal shall pay to or reimburse the animal control department all veterinary fees associated with the medical treatment provided the animal while in custody. (2003 Code, § 3-107)

**10-108 Interference with animal control officers prohibited:**

- (1) It shall be unlawful to assault, resist, oppose, impede, intimidate, or interfere with any animal control officer while such officer is engaged in the lawful performance of his official duties.
- (2) It shall be unlawful to tamper with or relocate any equipment used by an animal control officer for the lawful performance of his duties.
- (3) It shall be unlawful to provoke, tease, or release any animal captured by an animal control officer.
- (4) Any person who aids, abets, counsels, commands, induces, or procures the commission of a violation of any provision of this title may be punished as a principal offender. (2003 Code, § 3-108)

**10-109 Animals in public parks:**

- (1) It shall be unlawful for any person to take with them, or allow to roam, unfettered, any dog, cat, horse, or other animal within the confines of a Church Hill city park. Dogs, cats, horses or other animals, including service animals necessary for the owner's mobility, shall be on a leash not to exceed eight feet (8') in length.
- (2) Anyone who brings animals to, or controls animals outside of their residence premises, or within city parks shall be responsible for cleaning up, removing, and disposing of feces deposited by their pets on property owned by others including, but not limited to, city parks. (as added by Ord. #11-449, Nov. 2011)

## **CHAPTER 2**

### **DOGS AND CATS**

#### **SECTION**

- 10-201 Seizure and disposition of dogs and cats running at large
- 10-202 Running at large prohibited
- 10-203 Noisy dogs prohibited
- 10-204 Rabies vaccination and registration required
- 10-205 Dogs and cats to wear tags
- 10-206 Vicious dogs or cats to be securely restrained
- 10-207 Confinement of dogs and cats suspected of being rabid
- 10-208 Dogs and cats in heat

#### **10-201 Seizure and disposition of dogs and cats running at large:**

(1) Any dog or cat found running at large within the confines of the city may be seized by the animal control officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog or cat is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog or cat by paying a reasonable pound fee, to be fixed by the pound-keeper, or the dog or cat will be humanely destroyed or sold. If said dog or cat is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within three (3) days. No dog or cat shall be released in any event from the pound unless or until such dog or cat has been vaccinated and the tag placed on its collar.

(2) When because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded, it may be summarily destroyed by the animal control officer or any police officer. (2003 Code, § 3-201)

**10-202 Running at large prohibited:** It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits. (2003 Code, § 3-202)

**10-203 Noisy dogs prohibited:** No person shall own, keep, or harbor any dog which by loud and frequent barking, whining, or howling, annoys or destroys the peace and quiet of any neighborhood. (2003 Code, § 3-203)

**10-204 Rabies vaccination and registration required:** Licenses and rabies vaccinations shall be required for each dog and cat four (4) months of age or older. License tags shall be firmly attached to a harness or collar worn by the

animal. Animals kept temporarily (not in excess of thirty (30) days unless granted an extension by the animal control officer) for the purpose of breeding or showing shall not require an individual license provided the owner has proof of a current rabies vaccination. (2003 Code, § 3-204)

**10-205 Dogs and cats to wear tags:** It shall be unlawful for any person to own, keep, or harbor a dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (2003 Code, § 3-205)

**10-206 Vicious dogs or cats to be securely restrained:** It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or likewise securely restrained as reasonable to provide for the protection of other persons and animals. (2003 Code, § 3-206)

**10-207 Confinement of dogs and cats suspected of being rabid:** If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal control officer or chief of police shall require such dog or cat to be confined or isolated for such time as he reasonably deems necessary to determine if such dog or cat is rabid. (2003 Code, § 3-207)

**10-208 Dogs and cats in heat:** Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for a planned breeding. (2003 Code, § 3-208)

**CHAPTER 3**  
**ANIMAL CONTROL DEPARTMENT**

**SECTION**

10-301 Department established

10-302 Animal control officer

10-304 Pound

10-305 Reclaiming animals; citation

10-305 Maintenance fee established

**10-301 Department established:** There is hereby established a municipal animal control department to be staffed by individual(s) designated by the board of mayor and aldermen. (2003 Code, § 3-301)

**10-302 Animal control officer:** The animal control officer(s) is empowered to seize all animals running at large whose presence or activities are in violation of state law and/or municipal ordinances within the corporate limits of the City of Church Hill. (2003 Code, § 3-303)

**10-303 Pound:** All animals shall be kept and cared for at a location designated by the board of mayor and aldermen. Animals with known owners will be held five (5) days and animals with unknown owners will be held for three (3) days and then may be humanely destroyed. (2003 Code, § 3-304)

**10-304 Reclaiming animals; citation:** Any owner desiring to reclaim his or her animal must contact the animal control officer to make the necessary arrangements. Before the animal control officer or other designated employee releases any animal to its owner, he/she shall (1) require and receive written proof that the owner has received a municipal court citation, and (2) collect and receipt the accrued maintenance fee. Upon conviction the owner shall be required to pay the city fines and court costs for allowing the animal to run at large or violating any other applicable state law or city ordinance. (2003 Code, § 3-305)

**10-305 Maintenance fee established:** The maintenance fee shall be established by resolution of the board of mayor and aldermen as the necessity or advisability of same may from time to time require, which amount shall be used to defray the costs of operating the department. (2003 Code, § 3-306)

**TITLE 11**  
**MUNICIPAL OFFENSES**

**CHAPTER**

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

**CHAPTER 1**  
**MISDEMEANORS OF THE STATE ADOPTED**

**SECTION**

11-101 Adoption of state traffic statutes

**11-101 Adoption of state traffic statutes:** By the authority granted under Tennessee Code Annotated, § 16-18-302, and Tennessee Code Annotated, § 55-10-307, the City of Church Hill adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, §§ 55-8-133 through 55-8-150, and §§ 55-8-152 through 55-8-180. Additionally, the City of Church Hill adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-21-108 by reference as if fully set forth in this section.

Municipal code references

Title 10: Animal Control

Title 12: Housing and utility codes

Title 15: Traffic offenses

Title 16: Streets and sidewalks (non-traffic)

## CHAPTER 2

### ALCOHOL

#### SECTION

11-201 Drinking beer, etc., on streets, etc.

11-202 Minors in beer places

**11-201 Drinking beer, etc., on streets, etc.:** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (2003 Code, § 10-229)

**11-202 Minors in beer places:** No person under the age of eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (2003 Code, § 10-222)

Municipal reference:

Title 18: Sale of alcoholic beverages, including beer

**CHAPTER 3**  
**FORTUNE TELLING, ETC.**

SECTION

11-301 Fortune telling, etc.

**11-301 Fortune telling, etc.:** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.  
(2003 Code, § 10-234)

**CHAPTER 4**  
**OFFENSES AGAINST THE PEACE AND QUIET**

**SECTION**

- 11-401 Disturbing the peace
- 11-402 Anti-noise regulations

**11-401 Disturbing the peace:** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (2003 Code, § 10-202)

**11-402 Anti-noise regulations:** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

- (a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00

A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

- (d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
  - (e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such a manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.
  - (f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
  - (g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (h) 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.
  - (i) 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.
  - (j) 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.
  - (k) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:
- (a) Municipal vehicles. Any vehicle of the city while engaged upon necessary public business.
  - (b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.
  - (c) Noncommercial and nonprofit use of loudspeakers or amplifiers.

The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefore is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (2003 Code, § 10-233)

- (d) Hours of outdoor music performances and amplified sound within commercial businesses; Any musical performance either live or presented in recorded form by a disc jockey or master of ceremonies or any amplified sound at any commercial or business venue within the corporate limits of the City of Church Hill shall be and is hereby restricted in their hours of performance to commence no earlier than 9:00AM and cease no later than 11:00PM; provided no sound shall exceed eighty-five (85) decibels at fifty feet (50') from the site of amplified sound for any business or commercial venue. Any amplified sound for civic, educational or school activity, including sporting events, shall not be restricted as to time or decibel. (Ord. #23-511, May 2023)

**CHAPTER 5**  
**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL**

**SECTION**

11-501 False emergency alarms

11-502 Resisting or interfering with city personnel

**11-501 False emergency alarms:** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (2003Code, § 10-217)

**11-502 Resisting or interfering with city personnel:** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (2003 Code, § 10-210)

**CHAPTER 6**  
**FIREARMS, WEAPONS, AND MISSILES**

**SECTION**

11-601 Air Rifles, etc.

11-602 Weapons and firearms

**11-601 Air rifles, etc.:** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (2003 Code, § 10-213)

**11-602 Weapons and firearms:**

- (1) It shall be unlawful for any person to carry in any manner whatsoever, with the intent to go armed, any razor, dirk, knife, black-jack, brass knuckles, pistol, revolver, assault rifle whose import or manufacture is banned by any act of Congress, or any other dangerous weapon or instrument within the municipal limits of the City of Church Hill.
- (2) The foregoing prohibitions shall not apply to members of the U. S. Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties. Nor shall this prohibition apply to persons who may have been summoned by such duly authorized law enforcement officer to assist in the discharge of his duties, nor to any conductor of any passenger or freight train authorized by law to go armed while he is on duty.
- (3) It is unlawful and shall be a misdemeanor for any unauthorized person to discharge a firearm within the municipal limits of the city, provided, however, that recreational hunters shall be allowed to discharge shotguns at game during authorized hunting seasons on that portion of the Holston River which flows through the municipal limits and on immediately adjacent territory so long as said discharge is not in the vicinity of Laurel Run Park nor directed towards any residential subdivision which borders the Holston River.
- (4) It shall be unlawful and a misdemeanor for any individual to discharge a hunting shotgun on private property during hunting activities without the express permission of the owner of the premises on which the individual is conducting his hunting activities.
- (5) The discharge of any firearm within the city, other than the discharge of a shotgun, during a recognized hunting activity described in subsection (3), shall be unlawful and shall be a misdemeanor. (2003 Code, § 10-212)

**CHAPTER 7**  
**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH**  
**TRAFFIC**

**SECTION**

11-701 Trespassing

11-702 Trespassing on trains

11-703 Interference with traffic

**11-701 Trespassing:** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (2003 Code, § 10-226)

**11-702 Trespassing on trains:** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (2003 Code, § 10-221)

**11-703 Interference with traffic:** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (2003 Code, § 10-232)

## **CHAPTER 8**

### **MISCELLANEOUS**

#### **SECTION**

11-801 Caves, wells, cisterns, etc.

11-802 Posting notices, etc.

11-803 Wearing masks

11-804 Littering

11-805 Unauthorized use of automobiles or other vehicles

11-806 Failure to appear

11-807 Disorderly conduct

11-808 Improper use of skateboards, rollerblades and bicycles on city property

**11-801 Caves, wells, cisterns, etc.:** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground, which is dangerous to life and limb, without an adequate cover or safeguard. (2003 Code, § 10-231)

**11-802 Posting notices:** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (2003 Code, § 10-227)

**11-803 Wearing masks:** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (2003 Code, § 10-235)

**11-804 Littering:** A person commits the offense of littering who:

- (1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;
- (2) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty (50) feet of a public highway;
- (3) Negligently discharges sewage, minerals, or products or litter into any public waters or lakes within the corporate limits.

- (4) Permits any animal, dog, cat, or otherwise to defecate on the public property of the City of Church Hill or property of another without removing the animal's refuse immediately. (2003 Code, § 10-228, as amended by Ord. #07-428, Dec. 2007)

**11-805 Unauthorized use of automobiles or other vehicles:** It shall be unlawful for any person within the corporate limits to take, use, and operate another's automobile, airplane, motorcycle, bicycle, boat or other vehicle without the consent of the owner when the person does not have the intent to deprive the owner thereof. (2003 Code, § 10-237)

**11-806 Failure to appear:** Pursuant to the authority granted in Tennessee Code Annotated, § 7-63-107 and as referenced in Tennessee Code Annotated, § 7-63-104. It is unlawful for any person to knowingly fail to appear as directed by a lawful authority if the person:

- (1) Has been lawfully issued a citation in lieu of arrest;
- (2) Has been lawfully released from custody, with or without bail, on condition of subsequent appearance at an official proceeding at a specified time or place; or
- (3) Knowingly goes in hiding to avoid prosecution or court appearance. (2003 Code, § 10-243)

**11-807 Disorderly conduct:** A person commits an offense who, in a public place and with intent to cause public annoyance or alarm:

- (1) Engages in fighting or in violent or in threatening behavior;
- (2) Refuses to obey an official order to disburse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
- (3) Creates a hazardous or physically offensive condition by an act that serves no legitimate purpose. (2003 Code, § 10-243)

**11-808 Improper use of skateboards, rollerblades, and bicycle on city property:**

- (1) It shall be unlawful to engage in skateboarding, roller skating, or roller blading in any city park except where specifically designated areas are provided by the City of Church Hill. All posted rules and regulations must be followed in any park or other city-owned property
- (2) The use of any type of motorized vehicle in any city park is specifically prohibited.
- (3) The use of any bicycle or tricycle is prohibited within all city parks upon walking or running trails except where specifically allowed in Derrick

Park.

- (4) The formal rules of the operation of the skateboard park are incorporated by reference as if repeated verbatim herein. (2003 Code, § 10-249)

## **CHAPTER 9**

### **GAMBLING**

#### **SECTION**

11-901 Gambling

11-902 Promotion of gambling

**11-901 Gambling:** It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (2003 Code, § 10-215)

**11-902 Promotion of gambling:** It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (2003 Code, § 10-216)

**TITLE 12**  
**BUILDING, UTILITY, ETC. CODES**

**CHAPTER**

- 1 CODES GENERALLY
- 2 BUILDING CODE
- 3 EXISTING BUILDING CODE
- 4 PLUMBING CODE
- 5 RESIDENTIAL CODE
- 6 ELECTRICAL CODE
- 7 GAS CODE
- 8 MECHANICAL CODE
- 9 ENERGY CONSERVATION CODE

**CHAPTER 1**  
**CODES GENERALLY**

**SECTION**

- 12-101 Codes adopted
- 12-102 Adoption by reference
- 12-103 Exceptions
- 12-104 Administration and enforcement
- 12-105 Permits and fees
- 12-106 Violations
- 12-107 Copy of codes available

**12-101 Codes adopted:** The International Building Code and International Residential Code adopted by the State of Tennessee relating to Codes and Standards as authorized by Tennessee Code annotated §68-120-101 et seq., including all of the amendments, rules and regulations established, adopted and published from time to time by the Tennessee department of Commerce, through the Division of fire Prevention, including all exceptions set out therein by code or regulation, are hereby adopted by reference, and incorporated in this ordinance as if fully set out herein. (Ord. 17-488, April 2017) The following codes are hereby adopted by reference as though they were copied herein fully:

- (1) International Building Code- 2018 Edition
- (2) International Existing Buildings Code- 2018 Edition
- (3) International Plumbing Code- 2018 Edition
- (4) International Residential Code- 2018 Edition
- (5) State of Tennessee Adopted Electric Code- 2018 Edition
- (6) International Gas Code- 2018 Edition
- (7) International Mechanical Code- 2018 Edition
- (8) International Energy Conservation Code- 2018 Edition

(2003 Code, § 4-101, modified) (2006 to 2018 edition modified- Ord. 23-508 March, 2023)

**12-102 Adoption by reference:** Any future amendments or revisions to the International Building Code Regulations or International Residential Code Regulations which may be promulgated from time to time by the Tennessee Department of Commerce, through the Division of Fire Prevention, are hereby adopted by reference as if such Amended Codes had been in existence at the time this ordinance is adopted and were set forth verbatim herein. (Ord. 17-488, April 2017)

**12-103 Exceptions:** Notwithstanding anything herein contained to the contrary, as set forth in TCA Section 68-120-101 (a)(8)(A), a fire sprinkler system shall not be required for one-family and two-family dwellings or for townhouses with independent exterior walls having a two-hour fire-resistance-rated wall assembly. (Ord. 17-488, April 2017)

**12-104 Administration and enforcement:** The Building Inspector shall be responsible for the application, administration and enforcement of the Codes and any administrative or legal proceedings under the Codes. (Ord. 17-488, April 2017)

**12-105 Permits and fees:** The issuance of permits and the collection of fees for work governed by this code shall be in accordance with the fee schedule adopted by the Board of Mayor and Alderman. (Ord. 17-488, April 2017)

**12-106 Violations:** It shall be unlawful for any person to violate or fail to comply with any provision of the Codes as herein adopted by reference and modified. Each day a violation is allowed to continue shall constitute a separate offense. The violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50). Each day of violation may constitute a separate offense. (Ord. 17-488, April 2017)

**12-107 Copy of Codes available:** Pursuant to the requirements of Tennessee Code Annotated §6-S4-S02, one (1) copy of each Code has been placed on file in the Office of the Recorder and the same shall be kept there for the use and inspection of the public. (Ord. 17-488, April 2017)

## **CHAPTER 2**

### **BUILDING CODE**

#### **SECTION**

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

**12-201 Building code adopted:** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the provisions of the International Building Code, 2018 edition including appendices B,C, J & K published by the International Code Council, is hereby adopted by reference as though copied verbatim in this subsection.

#### **Amendments:**

- (1) Add new Section 104.10.2 to the International Building Code, 2018 Edition, to read as follows: "All references to flood prone areas contained within this code shall comply with Church Hill's duly adopted Flood Insurance Program requirements as shown on the current Flood Insurance Rate Maps (FIRM) or the Flood Boundary and Floodway Maps (FBFM) provided by the National Flood Insurance Program. Any conflicts between the requirements contained herein and those contained in the Flood Insurance Program, the duly adopted Flood Insurance Program shall apply.
- (2) Section 105.2 Work exempt from permit. Under Building: Item 2: Remove Fences not over 7 feet high and replace with Fences not over 8 feet high.
- (3) Section 202 Definitions: TOWNHOUSE. The definition of TOWNHOUSE shall be deleted in its entirety and replace with the following language pursuant to TCA 68-120-101 (a) 8 (C) (i) (a). A single-family dwelling unit constructed in a group of three or more attached units in which each unit is separated by a 2 hour fire wall extending from foundation to roof and with a yard or public way on not less than two sides being exempt from sprinkler requirements of Section R313.1 & Section P2904 of the IRC, however, if a sprinkler system is installed it shall meet the requirements of these sections
- (4) Section 3001.1 Scope of the International Building Code, 2018 Edition, is hereby amended by the addition of the following subsection:

"3001.1.1 Permitting and inspections. Any elevator regulated by the State of

Tennessee must be inspected and comply with all applicable State regulations. Any conflict between this code and State Law, State Law shall prevail

(5) Section 3301.1 Scope of the International Building Code, 2018 Edition, is hereby amended by adding the following language:

“The provisions of this chapter shall not apply when in conflict with the Tennessee Occupational Safety and Health Act (TOSHA) or other applicable local, State or Federal requirements affecting safeguards during construction.”  
(Ord. 23-508, March 2023)

**12-202 Modifications:** Whenever in the International Building Code when reference is made to the duties of a certain official named therein, that designated official of the City of Church Hill who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international building code are concerned.

**12-203 Available in recorder’s office:** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the international 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.

**12-204 Violations and penalties:** It shall be unlawful for any person to violate or fail to comply with any provision of the international 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.

Municipal code references:  
Title 7: Fire protection  
Title 14: Planning and Zoning  
Title 16: Streets and other public ways and places  
Title 18 & 19: Utilities and services

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

**CHAPTER 3**  
**EXISTING BUILDING CODE**

**SECTION**

12-301 Existing building code adopted

12-302 Available in recorder's office

12-303 Violations

**12-301 Existing building code adopted:** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing minimum requirements for the repair, alteration, change of occupancy, addition and relocation of existing buildings, the International Existing Building Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the existing building code.

**Amendments:**

1) Section 112 is hereby amended by deleting it in its entirety and replacing it with the following language: Section 112 Board of Appeals. The Board of Appeals as referenced in the IBC shall serve as the Board of Appeals for the Existing Building Code. (Ord. 23-508, March 2023)

**12-302 Available in recorder's office:** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Existing Building Code has been placed on file in the office of the recorder and the same shall be kept there for the use and inspection of the public.

**12-303 Violations:** It shall be unlawful for any person to violate or fail to comply with any provision of the International Existing Building Code as herein adopted by reference and modified.

Copies of this code (and any amendments) may be purchased from the International Code Council,

900 Montclair Road, Birmingham, Alabama 35213

## CHAPTER 4

### PLUMBING CODE<sup>1</sup>

#### SECTION

12-401 Plumbing code adopted

12-402 Modifications

12-403 Available in recorder's office

12-404 Violations and penalty

**12-401 Plumbing code adopted:** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,<sup>2</sup> 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code.

#### Amendments:

- 1) Section 109 is hereby amended by deleting it in its entirety and replacing with the following language: "Section 109 Board of Appeals. The Board of Appeals as referenced in the IBC shall serve as the Board of Appeals for the plumbing code. (Ord. 23-508, March 2023)

**12-402 Modifications: Definitions.** Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

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

**12-403 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.

**12-404 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 penalty.

Municipal code references:

Title 18 Cross Connections

Title 16 Street Excavation

Title 18 Wastewater treatment & Water and sewer system administration

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

## CHAPTER 5

### RESIDENTIAL CODE

#### SECTION

12-501 Residential code adopted  
12-502 Available in recorder's office  
12-503 Violations and penalty

**12-501 Residential code adopted:** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-50 through 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions. The provisions of the International Residential Code,<sup>1</sup> 2018 edition, including appendix F, Q and J for one and two-family dwellings, published by the International code Council, is hereby adopted by reference as though copied verbatim in this subsection. The International residential Code, 2018 edition is hereby amended as follows:

- 1) Section R104 is amending by adding a new section to read "R104.10.2. All references to flood prone areas contained within this code shall comply with Church hill's duly adopted Flood Insurance Program requirements as shown on the current Flood Insurance Rate Maps (FIRM) or the Flood Boundary and Floodway Maps (FBFM) provided by the National Flood Insurance Program. Any conflicts between the requirements contained herein and those contained in the Flood Insurance Program, the duly adopted Flood Insurance Program shall apply"
- 2) Section R105.2 pertaining to work exempt from permit is amended by deleting the phrase "200 square feet" and in lieu thereof substituting the phrase "120 square feet."
- 3) Section R105.2 pertaining to work exempt from permit is amended by deleting the phrase "Fences not over 7 feet (2133 mm) high" and in lieu thereof substituting the phrase "Fences not over 8 feet high."
- 4) Section R202 pertaining to definitions is pursuant to TCA § 68-120-101(a)(8)(C)(i)(a) amended by deleting the definition of TOWNHOUSE in its entirety and in lieu thereof substituting the phrase "A single-family dwelling unit constructed in a group of three or more attached units in which each unit is separated by a 2 hour fire wall extending from foundation to roof and with a yard or public way on not less than two sides being exempt from sprinkler requirements of Section R313.1 and Section P2904 of the International Residential Code, 2018 edition, however, if a sprinkler system is installed it shall meet the requirements of these sections."
- 5) Pursuant to TCA 68-120-101(a)(8)(A), the sprinkler requirements in

section R313.2 and section P2904 shall not be mandatory for One-and Two Family Dwellings, provided however, if a sprinkler system is installed it shall meet the requirements of section R313.2 and section P2904.

- 6) Chapter 11 [RE] Energy Conservation - Delete Chapter 11 in its entirety and replace it with the 2018 Energy Code as adopted per Section 12-101 (8). The testing required R402.4.2.1 (Blower Door) and R403.2.2 (Duct Blaster) to be exempted per SFMO. (Ord. 23-508, March 2023)

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

**12-503 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.

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

## **CHAPTER 6**

### **ELECTRICAL CODE**

#### **SECTION**

12-601 Electrical code adopted

12-602 DELETED

12-603 Permit required for doing electrical work

12-604 Violations and penalty

**12-601 Electrical code adopted: Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical systems and equipment, or for other purposes, the International Electrical Code,<sup>2</sup> 2018 edition, as prepared by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. Electrical work performed within the City of Church Hill limits shall comply with the requirements of the State of Tennessee Fire Marshal's Office Electrical Division. Permits and inspections for electrical work shall be through the SFMO. (Ord. 23-508, March 2023)

**12-602 DELETED** (Ord. 23-508, March 2023)

**12-603 Permit required for doing electrical work:** No electrical work shall be done within the city until a permit therefore has been issued by the State Fire Marshall's Office Electrical Inspection Division. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduit, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (Ord. 23-508, March 2023)

**12-604 Violations and Penalty:** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. The violation of any section of this chapter shall be punishable by a penalty under the general

*Municipal code references:*

*Title 7 Fire Protection, fireworks and explosives*

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

## **CHAPTER 7** **GAS CODE<sup>1</sup>**

### **SECTION**

12-701 Fuel gas code adopted

12-702 Modifications

12-703 Available in recorder's office

12-704 Violations and penalty

**12-701 Fuel gas code adopted:** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 12-506, and for the purpose of establishing regulations for fuel gas systems and gas-fired appliances using prescriptive and performance-related provisions, the International Fuel Gas Code<sup>2</sup>, 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the fuel gas code.

**Amendments:** Section 109 is hereby deleted in its entirety and replaced with the following language: "Section 109. Board of Appeals. The Board of Appeals as referenced in the adopted IBC shall serve as the Board of Appeals for the Mechanical Code." (Ord. 23-508, March 2023)

**12-702 Modifications:** Definitions. Whenever in the fuel gas code when reference is made to the duties of a certain official named therein, that designated official of the City of Church Hill who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the fuel gas code are concerned.

**12-703 Available in recorder's office:** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fuel 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.

**12-704 Violations and penalty:** It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

<sup>1</sup>*Municipal code reference*

*Title 19, Chapter 2 Gas system administration*

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

## **CHAPTER 8**

### **MECHANICAL CODE**

#### **SECTION**

12-801 Mechanical code adopted

12-802 Available in recorder's office

12-803 Violations

**12-801 Mechanical code adopted:** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-50 through 6-54-506, and for the purpose of establishing minimum regulations for mechanical systems using prescriptive and performance-related provisions, the International Mechanical Code<sup>1</sup>, 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord.23-508, March 2023)

**Amendments:** Section 109 is deleted in its entirety and replaced with the following language: "Section 109. Board of Appeals. The Board of Appeals as referenced in the adopted IBC shall serve as the Board of Appeals for the Mechanical Code." (Ord.23-508, March 2023)

**12-802 Available in recorder's office:** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public.

**12-803 Violations:** It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified.

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

## CHAPTER 9

### ENERGY CONSERVATION CODE

#### SECTION

12-901 Energy conservation code adopted

12-902 Modifications

12-903 Available in recorder's office

12-904 Violations and penalty

**12-901 Energy conservation code adopted:** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems to establish energy-efficient buildings using prescriptive and performance-related provisions which will make possible the use of new materials and innovative techniques that conserve energy, the provisions of the International Energy Conservation Code,<sup>1</sup> 2018 edition, published by the International Code Council, is hereby adopted and incorporated by reference as though copied verbatim in this subsection. The International Energy Conservation Code, 2018 edition is hereby amended as follows:

- (1) Section C109.1 pertaining to board of appeals general is hereby amended by adding a new sentence to read "The Board of Appeals as referenced in the International Building Code, 2018 edition shall serve as the Board of Appeals for the International Energy Conservation Code, 2018 edition."
- (2) Section R109.1 pertaining to board of appeals general is hereby amended by adding a new sentence to read "The Board of Appeals as referenced in the International Building Code, 2018 edition shall serve as the Board of Appeals for the International Energy Conservation Code, 2018 edition."
- (3) The following tables are to be replaced by tables from the 2009 edition of the International Energy Code as noted:

EXPAND

<i>Replace 2018 Tables</i>	<i>with</i>	<i>2009 Tables</i>
<i>C402.1.4 Opaque thermal envelope Assembly requirements</i>		<i>502.1.2 Building Envelope requirements Opaque Element, max U-Factors</i>
<i>C402.1.3 Opaque thermal envelope Requirements</i>		<i>502.2(1) Building envelope requirements opaque assemblies</i>
<i>C402.4 Building envelope requirements Fenestrations</i>		<i>502.3 Building envelope requirements Fenestrations</i>
<i>C403.3.2 (1)-(9) HVAC equip performance</i>		<i>503.2.3(1)-(7) HVAC equip performance</i>
<i>R402.1.2 Insulation and fenestration Requirements by component</i>		<i>402.1.1 Insulation and fenestration Requirements by component</i>
<i>R402.1.4 Equivalent U-factors</i>		<i>402.1.3 Equivalent U-factors</i>
<i>R405.5.2 (1) Spec for standard reference and proposed design</i>		<i>405.5.2(1) Spec for standard reference and proposed design</i>

(4) CHAPTER 4 [RE] - The testing required by 402.4.2.1 (Blower Door) & 403.2.2 (Duct Blaster) are exempt per SFMO.

(Ord. 23-508, March 2023)

**12-902 Modifications:** Whenever the International Energy Conservation Code refers to the duties of a certain official named therein, that designated official of the City of Church Hill who has duties corresponding to those of the named official in the International Energy Conservation Code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Energy Conservation Code are concerned.

**12-903 Available in recorder's office:** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Energy Conservation Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-904 Violations and penalty:** It shall be a civil offense for any person to violate or fail to comply with any provision of the International Energy Conservation Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

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

## TITLE 13

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

#### CHAPTER

- 1 MISCELLANEOUS
- 2 AUTOMOBILE STORAGE, LITTER, DEBRIS
- 3 AUTOMOBILE GRAVEYARDS
- 4 SUBSTANDARD PROPERTIES

#### CHAPTER 1 MISCELLANEOUS

#### SECTION

- 13-101 Burning of refuse
- 13-102 Property maintenance regulations

**13-101 Burning of refuse:** It shall be unlawful for any person to burn refuse in such manner as to create a fire hazard or to constitute a nuisance because of dense smoke or obnoxious odors. (2003 Code, § 8-101)

**13-102 Property maintenance regulations:**

- (1) Every owner or tenant of property including public property, shall periodically cut the grass and other vegetation commonly recognized as weeds on such property. It shall be unlawful for any person to fail to comply with this section in the event such grass or vegetation exceeds twelve (12) inches in height.
- (2) Every owner or tenant of property shall also keep said property in a clean and sanitary condition, free from accumulations of refuse or debris which might provide a harborage or breeding place for rodents, vermin, insects or snakes. It shall be unlawful for any person to fail to comply with this code section.
- (3) In complying with the foregoing subsections, it shall be unlawful for any person, owning, leasing, occupying, or having control of property to rake, cut, or pile said weeds, grass, brush, cut trees, rubbish, or other accumulations of refuse or debris into any ditch or other natural drainage way or to place any of the above-mentioned on the property as to obstruct natural drainage thereon to create a traffic hazard or an unhealthy or unsanitary condition.

(4) When any property owner or tenant fails to comply with this or the above noted subsections, the city may do or have the work done to properly maintain said property and may charge the violator and/or the actual property owner with the reasonable costs thereof. The city may maintain any appropriate legal action to collect such costs in addition to any other remedy which may be available to it.

(5) Each separate day that the above-noted condition(s) exist on the subject property is a separate violation subject to a fine of up to fifty dollars (\$50.00). (2003 Code, § 8-102)

<sup>1</sup>Municipal code references:  
Title 10 Animal Control  
§ 16-107 Littering streets, etc.

**CHAPTER 2**  
**AUTOMOBILE STORAGE, LITTER, DEBRIS**

**SECTION**

- 13-201 Prohibited acts
- 13-202 Vehicle salvage parts regulated
- 13-203 Salvage vehicles to be stored
- 13-204 Automobile storage lot permit
- 13-205 Residential vehicle parking spaces required
- 13-206 Storage on overgrown lot prohibited
- 13-207 Penalties
- 13-208 Civil action prescribed

**13-201 Prohibited acts:** It shall be unlawful for the owner(s) or occupant(s) of real property within the municipal limits to allow litter, debris, trash, or discarded items of personal property to accumulate and remain on said property. Any items of personal property which are damaged, dilapidated, or which are lying or stacked about the property in a state of disarray shall be deemed to be discarded for the purposes of this chapter. All litter, trash, debris, and discarded items of personal property shall be placed by the property owner or occupant in secured refuse containers for prompt disposal. If the owner or occupant desires to retain possession of personal property items which would otherwise fall within the prohibitions of this chapter, he or she shall place the items within a permanent enclosed structure lawfully erected on the premises so as to shield such items from the view of the public. The provisions of this chapter are not intended to allow the operation of a motor vehicle repair shop on property not zoned for such a business operation. (2003 Code, §8-301)

**13-202 Vehicle salvage parts regulated:** It shall be unlawful for the owner(s) or occupant(s) of real property to allow new or used motor vehicle parts, vehicle bodies, frames, or tires to be strewn around or upon said real property. Motor vehicle parts, damaged or salvaged vehicle bodies and frames, and tires of all kinds shall be contained, stored, or otherwise enclosed in a permanent structure lawfully erected on the premises so as to shield such items from the view of the public. Any use of motor vehicle parts on said premises must comply with all applicable municipal zoning and building regulations. (2003 Code, § 8-302)

**13-203 Salvage vehicles to be stored:** Individuals, commercial enterprises, and businesses which utilize, or otherwise lawfully maintain on their

premises, damaged or salvaged miscellaneous motor vehicle parts and damaged or salvaged motor vehicle bodies shall store all such motor vehicle salvage material in a permanent enclosed structure on the premises or shall enclose all such motor vehicle material within a fence which is at least six (6) feet in height which completely deprives the public of a view of such material. Stored motor vehicles which have less than all wheels and inflated tires supporting the vehicle or which are supported in any manner by jacks, blocks, or hoists shall be maintained in a permanent enclosed structure or within a fenced area as described herein. Access to the fenced in area shall be closed and locked when not otherwise physically occupied by said owner(s) or occupant(s). (2003 Code, § 8-303)

**13-204 Automobile storage lot permit:** The use of property within the corporate limits as a storage lot or parking grounds for infrequently operated, inoperable, untagged, or damaged motor vehicles is expressly forbidden unless the property owner or occupant obtains a special permit to utilize his premises as an automobile storage lot. A business which repairs automobiles shall not be required to obtain such a permit unless automobiles are stored or parked overnight on the premises. The permit shall be issued by the city's building inspector and shall specify the permissible parking arrangement of the vehicles upon the premises so as to assure access by municipal service and emergency vehicles to the parked vehicles and to the structures on the property. Businesses engaged in the repair of motor vehicles shall not park or allow the parking of their customers' inoperable vehicles upon the municipal rights of way adjacent to their premises. For the purposes of this chapter, "infrequently operated motor vehicle(s)" shall mean a motor vehicle which has not moved from its present place of parking for more than fourteen (14) consecutive days. For the purposes of this chapter, "inoperable motor vehicle(s)" includes any vehicle with a flat tire, any vehicle which will not start, or any vehicle incapable of being lawfully operated on the streets within the city. (2003 Code, § 8-304)

**13-205 Residential vehicle parking spaces required:** The owner(s) or occupant(s) or property zoned for residential use shall provide and utilize an identifiable, and improved parking area for all motor vehicles owned or operated by occupants or their guests which they park or store overnight on the property. Every motor vehicle which is inoperable or which is not tagged for use on the public highways of the state shall be stored or parked in a lawfully erected and enclosed structure or garage on the property or shall be completely screened from the view of adjoining property owners by a fence of at least six (6) feet in height. (2003 Code, § 8-305)

**13-206 Storage on overgrown lot prohibited:** The storage or extended parking (three (3) or more consecutive days without having been moved) of motor vehicles on property overgrown with weeds and other vegetation or allowing such storage is expressly prohibited. Property shall be deemed to be overgrown with weeds and vegetation when such growth is tall enough to touch, or does touch, any part of the body (bumper, side panels, exhaust system, etc.) of the motor vehicle parked thereon. The parking of a motor vehicle overnight for three (3) consecutive nights or for three (3) nights in one week on any overgrown property shall constitute "storage" in violation of the terms of this chapter. (2003 Code, § 8-306)

**13-207 Penalties:** The penalty for violation of any provision of this chapter shall be a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each day of violation of this chapter. Each day that the terms of this chapter is violated constitutes a separate offense. (2003 Code, § 8-307)

**13-208 Civil action prescribed:** In the event that an owner or occupant of property refuses or fails to comply with the written notice served upon him for more than ten (10) days after service of said notice, the city may institute an action in the chancery court to secure the enforcement of the provisions of this chapter and to require that the property owner or occupant take necessary and appropriate action to bring his property into compliance. (2003 Code, § 8-308)

## **CHAPTER 3**

### **AUTOMOBILE GRAVEYARDS**

#### **SECTION**

13-301 Definition of “automobile graveyard”

13-302 Permit required; issuance and revocation

13-303 Appeals to board

13-304 Requirements for “automobile graveyards”

13-305 Application to existing “automobile graveyards”

**13-301 Definition of “automobile graveyard”:** For the purposes of this chapter "automobile graveyard" means any lot or place which is exposed to the weather and upon which one (1) or more motor vehicles of any kind, incapable of being operated and which there is no current valid state vehicle registration tag. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron, steel, or nonferrous scrap for sale for remelting purposes only. (2003 Code, § 5-401)

**13-302 Permit required; issuance and revocation:** No person shall own or maintain any "automobile graveyard" within the city unless he shall receive a permit to do so from the recorder. The recorder shall issue such a permit to any applicant whose premises comply with the requirements of all applicable ordinances of the city and who has complied with Tennessee Code Annotated, title 54, chapter 20. Any permit so issued may be revoked by the recorder for failure to comply with any requirement of this chapter. However, charges may be preferred in writing by the recorder and served upon the permit holder and he shall be given the right to be heard as to why his license should not be revoked. (2003 Code, § 5-402)

**13-303 Appeals to board:** Any person aggrieved by the recorder's action relative to the issuance or revocation of an "automobile graveyard" permit may appeal to the board of mayor and aldermen, which shall hold a hearing and decide whether or not the recorder's action was reasonable. Based upon its findings at such hearing, the board of mayor and aldermen shall affirm or reverse the recorder's action. (2003 Code, § 5-403)

**13-304 Requirements for “automobile graveyards”:** All "automobile graveyards" within the city shall be operated and maintained subject to the following regulations:

- (1) All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- (2) All such "automobile graveyards" shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fences to be so built that it will be impossible for stray cats and/or stray dogs to have access to such "automobile graveyards."
- (3) Such "automobile graveyards" 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. (2003 Code, § 5-404)

**13-305 Application to existing "automobile graveyards":** Any owner and/or operator of an "automobile graveyard" in existence at the time the provisions in this chapter become effective shall have thirty (30) days in which to get a permit or remove the offending vehicles. (2003 Code, § 5-405)

## **CHAPTER 4**

### **SUBSTANDARD PROPERTIES**

#### **SECTION**

- 13-401 Findings and declaration of policy.
- 13-402 Purpose.
- 13-403 Administration fees.
- 13-404 Care of premises.
- 13-405 Administration.
- 13-406 Applicability.
- 13-407 Controlling standards.
- 13-408 Compliance with other ordinances.
- 13-409 Dwellings unfit for human habitation.
- 13-410 Definitions.
- 13-411 Building inspector designated to act.
- 13-412 Institution of action and notification.
- 13-413 Determination of and further notice by building inspector.
- 13-414 Failure of owner to comply to vacate and repair.
- 13-415 Failure of owner to remove or demolish.
- 13-416 Creation of lien and payment into court.
- 13-417 Conditions rendering dwelling unfit for human habitation.
- 13-418 Service of complaints or orders.
- 13-419 Enjoining enforcement of order.
- 13-420 Powers given the building inspector.
- 13-421 Building inspector designated to act.
- 13-422 Institution of action and notification.
- 13-423 Failure of owner to comply.
- 13-424 Rules; hearings; and stay of enforcement.
- 13-425 Fines.

**13-401 Findings and declaration of policy:** It is hereby found and declared that there exist in the city structures in use which are, or may become in the future, substandard with respect to structural soundness, equipment or maintenance, or further that such conditions including but not limited to structural deterioration, lack of maintenance of exterior of premises, infestation, lack of essential heating or plumbing equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, or unsanitary conditions and overcrowding, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the city. It is further found and declared that by reason of lack of

maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate same, and that by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered. (2003 Code, § 4-701)

**13-402 Purpose:** The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, condition and occupancy of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators, and occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this chapter; and to provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use. (2003 Code, § 4-702)

**13-403 Administration fees:** All owners or persons in possession, charge or control, of any place or premises on which a nuisance is created, accumulated or produced which must be abated by the city as a result of their failure or refusal to comply with an order of the building inspector, are liable for and shall pay an administration fee in addition to the cost of repair, alteration or improvement, or, vacating and closing, or, removal or demolition by the building inspector; which fee shall be set by resolution of the board of mayor and aldermen. (2003 Code, § 4-703)

**13-404 Care of premises:** Having adopted by reference the 2018 International Property Maintenance Code published by International Building Code, it shall hereby be unlawful, in conformance with said code, for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to

weeds, dead trees, trash, garbage, etc., upon notice from the building inspector. (2003 Code, § 4-704) (Ord. 23-508, March 2023)

**13-405 Administration:** All inspections, regulations, enforcement and hearings on violations of the provisions of this chapter shall be under the direction and supervision of the building inspector. The building inspector may designate such other employees to perform duties as may be necessary to the enforcement of this chapter, including the making of inspections and holding of hearings. (2003 Code, § 4-705)

**13-406 Applicability:** Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy or use shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter shall also apply to mobile home parks. (2003 Code, § 4-706)

**13-407 Controlling standards:** In any case where the provisions of this chapter impose a higher standard than set forth in any other ordinance or under the laws of the state, then the standards set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other local ordinance or of the laws of the state, then the higher standard shall prevail. (2003 Code, § 4-707)

**13-408 Compliance with other ordinances:** No provision herein shall relieve any owner, operator or occupant from complying with any other provision, nor relieve any inspector of the city from enforcing any other provision of the code of ordinances. (2003 Code, § 4-708)

**13-409 Dwellings unfit for human habitation:** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., it is hereby found that there exist in the City of Church Hill, structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city.

(2003 Code, § 4-709)

**13-410 Definitions:** The following terms wherever used herein or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

- 1) " 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) " Occupant " means any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.
- 3) " Owner " means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises in fee simple and every mortgagee of record.
- 4) " Parties in interest " means all individuals, associations or corporations who have interests of record in a structure or parcel of land or have actual possession thereof.
- 5) " Premises " means a lot, plot or parcel of land including any buildings or structures thereon.
- 6) " Public officer " means the Building Inspector of the City of Church Hill
- 7) " Structure " means any dwelling or place of public accommodation. (2003 Code, § 4-710)

**13-411 Building inspector designated to act:** The building inspector is hereby designated as the public officer of the City of Church Hill who shall exercise the powers herein prescribed. (2003 Code, § 4-711)

**13-412 Institution of action and notification:** Whenever a petition is filed with the building inspector by a public authority or by at least five (5) residents of the City of Church Hill charging that any structure is unfit for human occupation or use, or whenever it appears to the building inspector on his own motion that any structure is unfit for occupation or use, the building inspector shall, if, after making a preliminary investigation, such 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 building inspector (or his designated agent) at a time and place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in

person, or otherwise, and give testimony at the place and time fixed in the complaint; and, that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector or his designated agent. As contained herein, "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 of Church Hill or the State of Tennessee relating to health, fire, building regulation, or other activities concerning structures in the City of Church Hill. (2003 Code, § 4-712)

**13-413 Determination of and further notice of building inspector:** If, after such notice and hearing as above prescribed, the building inspector determines that the structure under consideration is unfit for human habitation or use, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order:

- 1) If the repair, alteration, or improvement of the said structure can be made at a reasonable cost in relation to the value of the structure 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 if not adequately repaired, altered or improved within the time specified in the order to vacate and close the dwelling as a place of human habitation or use; or
- 2) If the repair, alteration or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure requiring the owner within the time specified in the order to remove or demolish such structure.
- 3) The building inspector shall determine the value of the structure in question existing on the land and the value of the land itself shall not be considered, and if the structure can be made to conform to such standards as will make it properly habitable by an expenditure of not more than fifty percent (50%) of said value, the order referred to in the preceding paragraph shall conform to the first alternative. If an expenditure of more than fifty percent (50%) of the value just referred to would be necessary to make the structure properly habitable, the order in the preceding paragraph shall conform to the second alternative.
- 4) Any repair, alteration or improvement instituted in compliance with this chapter shall be made in conformance with the then existing zoning and building codes. (2003 Code, § 4-713)

**13-414 Failure of owner to comply to vacate or repair:** If the owner fails to comply with the order under § 13-413(1), the building inspector may cause

such structure to be repaired, altered or improved or be vacated and closed; and in such event the building inspector may cause to be posted on the main entrance of any structure so closed a placard with the following words: "This building is unfit for human occupation; the use or occupation of this building for human occupation or use is prohibited and unlawful." (2003 Code, § 4-714)

**13-415 Failure of owner to remove or demolish:** If the owner fails to comply with an order as set forth in § 13-413(2), the building inspector may cause such structure to be removed or demolished. (2003 Code, § 4-715)

**13-416 Creation of lien and payment into court:** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the building inspector shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien in favor of the city against the real property on which such cost was incurred, second only to liens of the state, county and city for taxes, any lien of the city 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 city tax collector at the same time and in the same manner as property taxes are collected. If the structure is removed or demolished by the building inspector, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the chancery court by the building inspector, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court; provided however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Church Hill to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (2003 Code, § 4-716)

**13-417 Conditions rendering dwelling unfair for human habitation:** In addition to other standards set forth in this chapter, the building inspector may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health or safety of the occupants of such structure, the occupants of neighboring structures or other residents of the city; such conditions may include the following but without limiting the generality of the foregoing: Defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (2003 Code, § 4-717)

**13-418 Service complaints or orders:** Complaints or orders issued by the building inspector pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence, and the building inspector shall make 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. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of the county in which the structure is located and such filing of the complaint or order shall have the same force and effects as other lis pendens notices provided by law. (2003 Code, § 4-718)

**13-419 Enjoining enforcement of order:** (1) Any person affected by an order issued by the building inspector may file a bill in the chancery court for an injunction restraining the building inspector from carrying out the provisions of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the building inspector pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the building inspector, such persons shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(2) The court shall hear and determine the issue raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the building inspector as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the building inspector shall be entitled to recover any damages for action taken pursuant to any order of the building inspector, or because of noncompliance by such person with any order of the building inspector. (2003 Code, § 4-719)

**13-420 Powers given the building inspector:** The building inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

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

evidence.

- (3) To enter upon premises for the purposes of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession. (2003 Code, § 4-720)

**13-421 Building inspector designated to act:** The building inspector is hereby designated as the public officer of the City of Church Hill who shall exercise the powers set out in this chapter. (2003 Code, § 4-721)

**13-422 Institution of action and notification:** Pursuant to Tennessee Code Annotated, § 6-54-113, if it is determined by the building inspector that any owner of record of real property has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation 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, the building inspector shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include but not be limited to the following elements:

- (1) A brief statement of this chapter which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the city; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (2003 Code, § 4-722)

**13-423 Failure of owner to comply:** If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the building inspector shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall be a lien upon the property in favor of the city, 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 city tax collector at the same time and in the same manner as city 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.

Provided, however, if the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials, the ten (10) day period of the first sentence of this section shall be twenty (20) days, excluding Saturdays, Sundays, and legal holidays. (2003 Code, § 4-723)

**13-424 Rules; hearings; and stay of enforcement:** (1) The board of mayor and aldermen may make rules and regulations necessary for the administration and enforcement of this chapter. The building inspector shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to § 13-422. A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to § 13-422. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the building inspector under provisions of this chapter may seek judicial review of the order or act. The time period established in § 13-423 shall be stayed during the pendency of a hearing. (2003 Code, § 4-724)

**13-425 Fines:** That any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (2003 Code, § 4-726)

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

**CHAPTER**

- 1 MUNICIPAL PLANNING COMMISSION
- 2 SPECIALLY CALLED MEETINGS
- 3 STORMWATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL
- 4 ZONING ORDINANCE
- 5 MOBILE HOME PARKS
- 6 FLOODPLAIN REGULATIONS
- 7 OFF-SITE DRAINAGE
- 8 ILLICIT DISCHARGE AND CONNECTION CONTROL

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

**SECTION**

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

**14-101 Creation and membership:** Pursuant to the provision of the Tennessee Code Annotated, title 13, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of ten (10) members; two (2) of these shall be the mayor and an alderman selected by the board of mayor and aldermen; the eight (8) remaining members shall be citizens appointed by the Mayor of the City of Church Hill. Two (2) members shall be citizens of Hawkins County appointed by the mayor who reside outside of Church Hill's corporate limits but within Church Hill's planning region. The term of the latter eight (8) appointive members shall be of three (3) years except that in the appointment of the first municipal planning commission, under the terms of this chapter, three (3) of said members shall be appointed for a term of three (3) years, three for a term of two (2) years, and two (2) for a term of one (1) year. Any vacancy in the appointive membership shall be filled for the unexpired term by the Mayor of the City of Church Hill. The terms of the mayor and the member from the board of mayor and aldermen shall run concurrently with their respective terms of office. (Ord. #07-427, Dec. 2007)

**14-102 Organization, powers, duties, etc.:** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (2003 Code, § 11-102)

## **CHAPTER 2**

### **SPECIALLY CALLED MEETINGS**

#### **SECTION**

14-201 Bond required for specially called meeting

14-202 Criteria for special meeting at owner's request

**14-201 Bond required for specially called meeting:** Any owners of property within the municipal limits, or within the planning region of the Church Hill Regional Planning Commission, who request a special call meeting of the planning commission for the preliminary and/or final approval of any subdivision plans shall, at the time that the owner requests such specially called meeting, deposit with the recorder's office a cash bond in the sum of one hundred dollars (\$100.00) to defray all expenses associated with the calling and holding of such special meeting. (2003 Code, § 11-201)

**14-202 Criteria for specially called meeting at owner's request:** After the owner who requests the specially called meeting has posted the necessary cash bond, the planning commission shall determine, by a majority vote, whether it is necessary and proper that a special meeting is to be held in order to accommodate the landowner who requests approval of subdivision plans. Specially called meetings of the Church Hill Regional Planning Commission shall be held only at the discretion of the planning commission itself and only under such circumstances as would prevent extreme hardship on the applicant property owner. In exercising its discretion, the planning commission should also take into consideration the reason or reasons given for the landowner's failure to appear with the necessary plats and plans to request approval at the commission's regular monthly meeting. If the planning commission determines by a majority of the vote that a specially called meeting is necessary and proper to avoid undue hardship upon the applicant property owner then the specially called meeting shall be set on a date convenient with a majority of the planning commission members. Specially called meetings of the Church Hill Regional Planning Commission shall consider only the business which was the basis of the special request. (2003 Code, § 11-202)

**CHAPTER 3**  
**PEAK STORMWATER MANAGEMENT AND**  
**EROSION PREVENTION AND SEDIMENT CONTROL**

**SECTION**

- 14-301 Short title
- 14-302 Purpose
- 14-303 Definitions
- 14-304 Regulated land disturbing activities
- 14-305 Permit required for any land disturbing activity
- 14-306 Stormwater plan required
- 14-307 Plan requirements
- 14-308 Plan must contain measures to meet approved standards
- 14-309 Permit application
- 14-310 Plan development at owner/developer's expense
- 14-311 plan submitted to building inspector
- 14-312 Plan submitted in number satisfactory to planning commission
- 14-313 Plan review
- 14-314 Grading permit
- 14-315 Building inspector/Public works director may require additional protective measures
- 14-316 Certification of design professional
- 14-317 Stormwater management facilities and drainage structures maintained
- 14-318 Improperly maintained stormwater management facilities and drainage structures violation
- 14-319 Technical assistance
- 14-320 Building inspector and/or Public works director responsible for providing safeguards in projects less than one (1) acre or utilizing less than three (3) lots
- 14-321 Grading permit also required for any project on less than one (1) acre involving grading, filling or excavating
- 14-322 Existing developed properties with drainage, erosion, and sediment concerns
- 14-323 Improvements needed at existing locations determined by the building inspector and/or Director of public works
- 14-324 Improvements required in existing developments normally at owner's expense
- 14-325 Improvements required with existing developments subject to appeal
- 14-326 Monitoring, reports and inspections
- 14-327 Certificate of occupancy not issued until approvals

- 14-328 Plan construction acceptance and bond release
- 14-329 Appeal of administrative action
- 14-330 City clean-up resulting from violations at developer's/Owner's expense
- 14-331 Illicit discharge and illegal dumping
- 14-332 Penalties; enforcement
- 14-333 Severability

**14-301 Short title:** This Chapter shall be known as the “Peak Stormwater Management and Erosion Prevention and Sediment Control” Ordinance of the City of Church Hill, Tennessee”.

**14-302 Purpose:** The purpose of Chapter 3 of this ordinance is to conserve the land, water and other natural resources of the City of Church Hill; and promote the public health and welfare of the people by establishing requirements for the peak flow control of stormwater, erosion and sediment and by establishing procedures whereby these requirements shall be administered and enforced; and to diminish threats to public safety from degrading water quality caused by the run-off of excessive stormwaters and associated pollutants; and to reduce flooding and the hydraulic overloading of the City's stormwater system; and to reduce the economic loss to individuals and the community at large.

**14-303 Definitions:** For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Adequacy of Outfalls:** The capacity of the receiving channel, stream, waterway, storm drain system, etc., and a determination whether it is adequately sized to receive runoff from the developed site so as to not cause erosion and/or flooding.

**Best Management Practices (BMP or BMP's):** Schedules of activities, prohibitions of practices, maintenance procedures, Water Quality Management Facilities, structural controls, and other management practices to prevent the pollution of waters of the United States. Water quality may include structural or nonstructural practices.

**Denuded Area:** Areas disturbed by grading, tilling, or other such activity in which all vegetation has been removed and soil is exposed directly to the elements allowing for the possibility of erosion and stormwater and sediment run-off.

**Developer:** Any person, owner, individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

**Development:** Any land change that alters the hydrologic or hydraulic conditions of any property, often referred to as “site development”. Development includes, but is not limited to, providing access to a site, clearing of vegetation, grading, earth moving, providing utilities, Water Quality Management Facilities and erosion control systems, potable water and wastewater systems, altering land forms, or construction or demolition of a structure on the land.

**Drainage:** A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied to surface water/stormwater.

**Drainage Ways and Local Waters:** Any and all streams, creeks, branches, ponds, reservoirs, springs, wetlands, wells, drainage ways and wet weather ditches, or other bodies of surface or subsurface water, natural or artificial including Church Hill’s stormwater system; lying within or forming a part of the boundaries of the City of Church Hill, or the areas under the regulatory responsibility of the Church Hill Planning Commission that are adjacent to or intended to be served by the Church Hill Sewer System.

**Enforcement Officer:** The Building Inspector, the Stormwater Manager/Codes Enforcement Officer or any other person designated by the Church Hill Board of Mayor and Aldermen to enforce the Stormwater Management, Erosion and Sediment Control Ordinance.

**Erosion:** The general process whereby soils are moved by flowing surface or subsurface water.

**Exceptional and Historical Trees:** Those trees or stands of trees that are exceptional representatives of their species in terms of size, age, or unusual botanical quality, or which are associated with historical events.

**Exceptional Waters of the State:** Surface waters of the State of Tennessee that satisfy the characteristics as listed in Rule 1200-4-3-.06 of the official compilation - rules and regulations of the State of Tennessee. Characteristics include waters with exceptional biological diversity or other waters with outstanding ecological or recreational value as determined by the State of Tennessee.

**Grading Permit:** The permit that must be issued by the Building Inspector, or in his/her absence, an Enforcement Officer, before any land disturbing activity is undertaken by a developer; or when grading, filling, or excavating is proposed on any project. Even though issued separately, Grading Permit fees shall be covered under the cost of building permits.

**Impaired Waters of the State:** A Waters of the State that is designated as having unavailable parameters for water quality. The State of Tennessee periodically compiles a list of such waters known as the 303(d) List.

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**Land Disturbing Activity:** Means any activity which may result in soil erosion from water or wind and the movement of sediments into drainage ways, or local waters, including, but not limited to, clearing, grading, excavating, transportation and filling of land, except that the term shall not include:

(a) such minor land disturbing activities as home gardens and individual home landscaping, repairs and maintenance work.

(b) construction, installation or maintenance of utility lines and individual service connections, or septic lines and drainage fields.

(c) emergency work to protect life, limb or property.

**Stormwater Management facility:** Term is used in a general sense to mean retention ponds, detention ponds, sediment basins, sediment traps, and any other structure that is constructed to reduce or control stormwater run-off and prevent silt and other pollutants from entering the City 's waterways. When terms such as sediment basins and detention ponds are used in this ordinance, they are also intended to describe a variety of possible structures whose applications in certain circumstances helps control stormwater and waterway pollutants.

**Stormwater Plan:** For the purpose of this Chapter; a Stormwater Plan refers to a formal written document and/or drawing addressing grading, stabilization using vegetation, stormwater conveyance, stormwater management, and erosion and sediment controls, as specified in Sections 11-205 through 11-208, that is reviewed by the Stormwater Manager/Codes Enforcement Officer and/or Building Inspector with possible other technical assistance as deemed necessary, reviewed by the Church Hill Planning Commission, and if approved by the Planning Commission is used as the basis for the Building Inspector to issue a Grading Permit that allows land disturbing activity to proceed.

**SWPPP:** Stormwater Pollution Prevention Plan. This is a combination of an erosion and sediment control plan and a narrative in accordance with the State of Tennessee's current Construction General Permit.

**Waters of the State:** Defined in the Tennessee Water Quality Control Act and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to affect a junction with natural surface or underground waters.

**14-304 Regulated land disturbing activities:**

- (1) Except as provided in subsection 14-304(2) and 304(3), it shall be unlawful for any person to engage in any land disturbing activity on any commercial development, on any multi-family development, or any single-family development, construction, or renovation activity involving at least one (1) acre of land disturbance, construction activity that is part of a larger common development or sale that would disturb at least one (1) acre of land, or three (3) lots or more without submitting and obtaining approval of a Stormwater Plan as detailed in Sections 14-306 through 14-309 of this Chapter, and being issued a Grading Permit by the Building Inspector.
- (2) Any person who owns, occupies and operates private agriculture or forest lands shall not be deemed to be in violation of this ordinance of land disturbing activities which result from the normal functioning of these lands, however, the Stormwater Manager/Codes Enforcement Officer and the Building Inspector have the authority to require “best practices” erosion and sediment control measures if pollution and run-off problems are evident.
- (3) Any State or Federal agency not under the regulatory authority of the City of Church Hill for stormwater management, erosion and sediment control.

**14-305 Permit required for any land disturbing activity:** Any land disturbing activity, as defined, shall require a Grading Permit, in addition to any Building Permit, which must be issued by the Building Inspector prior to the commencement of any work. Grading Permits for regulated land disturbing activities as defined in 14-304 will be issued by the Building Inspector only upon the Developer meeting requirements outlined in Sections 14-306 through 14-309 of this Chapter which includes obtaining approval of a Stormwater Plan by the Church Hill Planning Commission. Building permit fees will cover the cost of obtaining a Grading Permit.

A Grading Permit is also required for any development or construction activity on less than one (1) acre of land. However, said development and construction activities do not require a formal Stormwater Plan unless they are commercial or multi-family developments or a stormwater plan is specifically requested by the Planning Commission.

A pre-construction meeting shall be held between the City of Church Hill and the developer (or their representative) for any project that discharges directly into or is immediately upstream of a siltation or stream-side habitat impaired or exceptional Waters of the State. No grading operations may take place until after

the pre-construction meeting and perimeter sediment control devices are in place and functional.

**14-306 Stormwater Plan required:** A stormwater plan shall be required for all developments, subdivisions, or construction activities involving one (1) or more acres, of land disturbance, construction activity that is part of a larger common development or sale that would disturb at least one (1) acre of land, or three (3) lots or more, except as exempted in Sections 14-304(2) and 14-304(3) of this Chapter. A Stormwater Plan shall be required for all commercial construction or renovation, or any multi-family residential facility regardless of the acreage or number of units. If necessary to protect the health and safety of the people, the Planning Commission may, at its discretion, require a Stormwater Plan for any development or renovation under an acre, or single-family subdivision with less than three (3) lots

**14-307 Plan requirements:** The Stormwater Plan shall be prepared and designed by a registered design professional qualified to prepare stormwater plans in accordance with State of Tennessee law and in accordance with the current State of Tennessee Construction General Permit, where applicable. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and the potential for off-site damage.

For projects which require a construction general permit through the State of Tennessee, the SWPPP (plan and narrative) shall be prepared by a person in accordance with the current State of Tennessee Construction General Permit and submitted to the City . The SWPPP shall contain all information required by the current State of Tennessee Construction General Permit. Be aware that the requirements for projects which drain into impaired or exceptional Waters of the State are different than for projects draining to an unimpaired Water of the State.

The plan shall include at least the following:

- (1) Project Description - Briefly describe the intended project and propose land disturbing activity including number of units and structures to be constructed and infrastructure required.
- (2) Contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- (3) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (4) A general description of existing land cover; individual trees and shrubs do not need to be identified.

- (5) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown in feet per inch. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately but must meet guidelines established in Chapter 4 of Title 14 of the Municipal Code. The Plan must include the sequence of implementation for tree protection measures.
- (6) Limit of disturbance showing approximate limits of proposed clearing, grading and filling.
- (7) Drainage area map showing pre and post development stormwater leaving any portion of the site.
- (8) A general description of existing soil types and characteristics and any anticipated soil erosion and sediment problems resulting from existing characteristics.
- (9) Location, size, details, and layout of proposed stormwater management improvements. Provide appropriate details such as a profile through the principal spillway with cut-off trench, anti-seep control, trash rack details, compaction/backfill details or notes, riser detail, outlet stabilization, and emergency spillway detail for detention ponds and other details/sections as needed for the contractor to build the structures.

Any opening in a riser structure and its overflow shall have a trash rack to prevent the openings, the riser, and/or the principal spillway from becoming clogged. The trash racks shall not be flat across the openings.

Provide hydraulic calculations sealed by a registered professional engineer for stormwater facilities. As a minimum, the calculations shall include a pre and post development drainage area map, brief narrative, pre and post development run-off data, and routing calculations to determine the outflow rate.

- (10) Proposed closed and open drainage network.
- (11) Proposed storm drain or waterway sizes.
- (12) Location and amount of stormwater run-off leaving site after construction and stormwater management measures proposed. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the

Adequacy of Outfalls from the development. When water is concentrated, what is the capacity of waterways and storm drains, if any, accepting stormwater off-site, and what measures including infiltration, sheeting into buffers, outfall setbacks, etc. are to be used to spread concentrated run-off and prevent the scouring of waterways and drainage areas off-site.

If the downstream storm drain or waterway is not of sufficient size to handle the post development run-off, or even the pre-development a review shall be undertaken to determine if any reasonable accommodation can be given. The plan will be in the Stormwater Plan to reduce the likelihood of problems downstream. expected to address, to the extent reasonable, improvements that will reduce the release rate to no greater than the capacity of the downstream storm drains or waterways.

Outfall pipes from storm drain systems and stormwater management facilities shall be setback sufficiently from off-site properties to allow the concentrated water to spread out back to pre-development flow characteristics. Under no circumstance shall an outfall pipe, as measured from the end section, headwall, or pipe, if no end structures used, be any closer than ten (10) feet from the off-site property unless a drainage easement from the off-site property owner is obtained and recorded. The outfall setback shall be determined by the Engineer and shall be based on outflow rate and the receiving channel or pipe characteristics.

Stormwater discharge from a concentrated point such as a pipe outfall shall discharge onto rip-rap or other velocity/energy dissipating method to reduce erosion potential. All rip-rap or other stone used to reduce velocity shall be placed on a geotextile to prevent scouring and the stone from sinking into the underlying soil.

The overflow path through the site and from any stormwater management device for stormwater run-off above the design storm event, shall not impact any structure.

- (13) The projected sequence of construction represented by the grading, drainage and erosion and sediment control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or stormwater facilities. The sequence of construction is a vital component of the Stormwater Plan and it explains to the contractor, and Building Inspector, when the drainage and sediment control devices are to be in place.

The sequence of construction shall state that no clearing or grading may begin until all perimeter sediment control devices are in place and functional.

- (14) Specific remediation measures to prevent erosion and sediment run-off and to meet approved standards as outlined in Section 14-308 of this Chapter. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetative measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

If a detention pond is to be used initially as a temporary sediment basin, then appropriate details and notes shall be provided showing how the pond will increase the residence time of the sediment laden water and when and how the sediment basin is to be converted to a permanent detention pond. Typically, this conversion occurs once the upland drainage area to the pond has been stabilized. The sequence of construction shall include notes on when these activities are to take place.

The use of earth berms/dikes, swales, sediment traps, outlet structures, and sediment basins are strongly encouraged over the use of silt fence and straw bales for long term projects and where concentrated run-off is present.

All disturbed areas that will not be disturbed again within fourteen (14) days shall be temporarily or permanently stabilized with seed, mulch, and/or other appropriate measures within fourteen (14) days of grading or clearing operations ceasing. It is very important that disturbed soil be stabilized as soon as possible to prevent sediment run-off. For slopes 3:1 or steeper, they must be temporarily or permanently stabilized within seven (7) days of grading ceasing on those slopes.

- (15) A stone construction exit per the Tennessee Sediment Control Handbook shall be provided for all construction ingress/egress points for all construction projects including single lot construction. This is required in order to prevent mud, sediment, and debris on Church Hill streets and public ways at a level acceptable to the Public Works Director or Building Inspector. Mud, sediment, and debris brought onto streets and public ways must be removed by the end of the day by machine, broom or shovel to the satisfaction of the Public Works Director. Failure to remove said sediment, mud or debris shall be deemed a violation of this ordinance.

It is the contractor's responsibility to prevent sediment from leaving the construction site and this includes sediment leaving the site by way of run-off flowing out the entrance or by vehicular tires carrying the sediment into the street. If there is run-off flowing down the construction exit to the street, a mountable stone berm or equivalent measures shall be used to direct the run-off to sediment control devices adjacent to the exit. The use of smaller stone or gravel other than shown in the Tennessee Sediment Control Handbook is not permitted.

- (16) Proposed structures; location (to the extent possible) and identification of any proposed additional building, structures or development on the site.
- (17) A description of on-site measures to be taken to recharge surface water into the groundwater system through infiltration, if appropriate for the site.
- (18) The Plan must have the seal of the design professional responsible for creating the Plan. The stamped and signed Plan, if approved, shall be copied and be the official Plan that must be available in the field during construction.

**14-308 Plan must contain measures to meet approved standards:** Plan shall contain measures that will ensure development, construction or site work will meet or exceed the following standards:

- (1) The development fits within the topography and soil conditions in a manner that allows stormwater and erosion and sediment control measures to be implemented in a manner satisfactory to the Church Hill Planning Commission. Development shall be accomplished so as to minimize adverse effects upon the natural or existing topography and soil conditions and to minimize the potential for erosion.
- (2) Plans for development and construction shall seek to minimize cut and fill operations. Construction and development plans calling for excessive cutting and filling shall be justified to the Church Hill Planning Commission.
- (3) During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills. Fills shall not encroach upon natural water courses, their floodplains; or constructed channels in a manner so as to adversely affect other properties.
- (4) Pre-construction vegetation ground cover shall not be removed, destroyed, or disturbed prior to obtaining a Grading Permit and no more than 14 days prior to the start of grading or earth moving operations. Perimeter sediment controls shall be in place prior to the start of clearing or grading operations.

- (5) Developers shall be responsible upon completion of land disturbing activities to leave slopes and developed or graded areas so that they will not erode. Such methods include, but are not limited to, re-vegetation, mulching, rip-rapping or guniting, and retaining walls. Bank cuts and fills should preferably be 3:1 slopes or flatter; however, they shall not exceed a 2:1 slope without Planning Commission approval and must be permanently stabilized. Regardless of the method used, the objective is to leave the site as erosion and maintenance free as is practical.
- (6) Provisions are implemented that accommodate any increase in stormwater run-off generated by the development in a manner in which the pre-development levels of run-off for the two (2) and ten (10) year storm events are not increased during and following development and construction. The Board of Mayor and Aldermen reserves the right to require stormwater management to maintain pre-development levels of run-off for the 25, 50, 100-year storm event, when it is determined that it is in the best interest of the City to consider “partnering” with the developer to further reduce stormwater flows onto adjoining properties or if a known flooding problem exists downstream.

Any stormwater detention or retention pond shall also be designed to pass the 100-year storm (peak attenuation to the 100-year pre-development rate is not required) through the pond without over topping any portion of the dam. This can be accomplished through the principal spillway and emergency spillway, which shall be installed on virgin soil and not to be placed on fill material or the dam. If it is not feasible to place the emergency spillway on virgin soil then the principal spillway shall be designed for the 100-year storm.

To the extent necessary, sediment in run-off water must be trapped by the use of sediment basins, silt traps or other sediment control measures until the disturbed area is stabilized. Structural controls shall be designed and maintained as required to prevent pollution. The City strongly encourages the use of sediment traps/basins and earth berms/dikes for sediment control measures. Silt fences may be used but should not always be the first or only device considered.

All offsite surface water flowing toward the construction or development area shall, to the extent possible, be diverted around the disturbed area by using berms, channels, or other measures as necessary. Limiting the amount of run-off, especially concentrated run-off, from flowing through

the construction site can be extremely helpful in preventing or significantly reducing sediment run-off. Under no circumstances, unless a drainage easement is obtained, may be diverted off site run-off be redirected onto off site properties or be diverted onto an off site property's existing drainage way in a manner that would cause harm to the property.

- (7) All grading, vegetation, drainage, stormwater, erosion and sediment control mitigation measures shall conform to any or all Best Management

Practices approved and revised from time to time by the Board of Mayor and Aldermen and meet the requirements of the current State of Tennessee's Erosion and Sediment Control Handbook.

- (8) All perimeter sediment control devices such as earth berms/dikes, swales, sediment basins, sediment traps, and other perimeter drainage and sediment control measures shall be installed in conjunction with initial work and must be in place and functional prior to the initial grading operations. These measures must be maintained throughout the development process.
- (9) A permanent undisturbed buffer shall be provided from the top of bank along both sides of streams, rivers, lakes, wetlands, or other Waters of the State except as necessary for the installation of utilities, development of roads crossing the waterway, trails and walkways, or construction of outfalls for stormwater facilities and related drainage improvements and for removal of invasive species to enhance the existing buffer. These utility, road, trail/walkway, and stormwater outfall disturbances shall be designed to minimize disturbance and impact on the Waters of the State and their buffers. Any disturbance to streams, wetlands, or other Waters of the State require an Aquatic Resource Alteration Permit through the State of Tennessee.

The permanent buffer widths are as follows:

- (a) 30' average and 15' minimum for Waters of the State that have available parameters for water quality (not impaired),
- (b) 60' average and 30' minimum for Waters of the State that have unavailable parameters for water quality (impaired).

If it is not practical to provide the required buffer or only a portion of the buffer can be provided, a variance approved through the City of Church Hill Board of Zoning Appeals must be obtained. Justification for this variance must be in accordance with the Boards of Zoning Appeals criteria plus the following:

- (a) The full buffer or reduced buffer width would be a hardship to developing the property, and
- (b) may not be based solely on the difficulty or the cost of implementation, and
- (c) Other measures or site design techniques are used to protect the stream such as, but not limited to:
  - (a) Landscape plantings provided that would enhance the reduced buffer width between the development and the stream, and/or
  - (b) Redirecting stormwater runoff from the development's impervious areas away from the portion of the buffer that a variance is requested for.

During construction, a temporary 30' average (15' minimum) undisturbed buffer or equivalent measures, shall be provided from the top of the stream bank. If the stream is a siltation or streamside habitat impaired stream or Exceptional Water of the State, the undisturbed buffer during construction is increased to a 60' average (30' minimum) or equivalent measures.

The criteria for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently.

- (10) Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees intended to be preserved. Stockpiled soils shall have silt fencing or other sediment control measures surrounding, and shall be located away from street, curbs and drainage ways to prevent sediment from getting into local waters or streets and public ways.
- (11) Land shall be developed to the extent possible in increments of workable size, which can be completed in a single construction season, Spring to Fall. Erosion and sediment control measures shall be coordinated with the sequence of construction, development and construction operations. Control measures such as berms, interceptor ditches, terraces, and sediment and silt traps shall be put into effect prior to any next stage of development.
- (12) The permanent vegetation shall be installed on areas of the construction site that are outside of the building area, pad or footprint, as

soon as utilities are in place and final grades are achieved. Without prior approval of an alternate plan by the Church Hill Planning Commission, permanent or temporary soil stabilization must be applied to disturbed areas outside of the building pad or footprint within fourteen (14) days from substantial completion of grading, or where these disturbed areas outside the building site will remain unfinished for more than fourteen (14) calendar days. The building area should be stabilized with a concrete pad or the footprint covered with gravel.

- (13) Stormwater management facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof, these structures shall have planted trees and vegetation such as shrubs and permanent ground cover on their borders, except no woody vegetation such as trees and shrubs shall be planted on dam areas or within 25 feet of the dam. Plant varieties shall be those sustainable in a drainage way environment or as may be outlined in Best Management Practices.
- (14) In many situations stormwater management facilities and drainage structures need to be fenced in order to protect public safety. The Church Hill Planning Commission may require fencing for any basin or structure.

When fencing is required, the following specifications apply:

- (a) Height minimum of forty-two (42) inches.
- (b) For residential areas and high visibility commercial areas, the fencing shall be split rail with black or green vinyl coated wire attached, or some other type of attractive fencing but shall not be chain link fencing.

For commercial and industrial uses, the fencing may be chain link up to six (6) feet tall if the fencing is not visible from residential zone or used property or a public right of way. Under no circumstances may barbed wire be used.

- (c) A lockable access gate of a minimum width of twelve (12) feet must be provided to allow access by equipment and machinery as needed for maintenance.
- (d) An adequate access road to the gate sufficient for maintenance vehicles and equipment.

The Church Hill Planning Commission may consider and approve other fencing alternatives provided that the alternatives presented meet minimum safety and security objectives.

- (15) Stormwater Plans must meet minimum requirements established by the State of Tennessee's Construction General Permit, where applicable, and

in their Erosion and Sediment Control Handbook. If there is a conflict between these regulations and the State of Tennessee's Regulation, the most stringent regulation shall apply.

All erosion and sediment control devices shall be designed for the 2-year, 24-hour storm as a minimum. For drainage area of 10 acres or more to a single outfall point, a sediment basin(s) or equivalent measures shall be used and designed for the 2-year, 24-hour storm.

For projects which drain into an impaired or exceptional Water of the State, the erosion and sediment control devices shall be designed for the 5 year, 24 hour storm and a sediment basin or equivalent measures shall be used for drainage areas of 5 acres or more to a single outfall point.

- (16) The City of Church Hill wishes to minimize the negative effects of development on our environment, on our economy, and on our health while at the same time reducing development costs for the developers and maintenance costs for the City and the developer. All efforts should be utilized to implement site design and non-structural stormwater management practices to reduce and minimize runoff in new development. Efforts to enhance infiltration, passage or movement of water into the soil surface, reduction of hard surfaces, minimizing the concentration of runoff, and lengthening the time of concentration should be a priority. :
- The following BMPs and stormwater credits can be applied to the peak stormwater calculations thereby reducing the size and cost of the stormwater BMPs:
- (a) Natural area conservation: The preservation of forest, wetlands, pasture land, and other sensitive areas of existing vegetation thereby retaining pre-development hydrologic and water quality characteristics. If these areas are undisturbed and placed in a recorded protective easement, the post development curve numbers for these areas can be modeled as forest in good condition.
  - (b) **Disconnection of rooftop runoff:** Rooftop runoff that is disconnected from another impervious surface and directed over a pervious area will infiltrate into the soil or be filtered by the surface material. The longer the flow path of the water from the pipe across vegetated areas, the greater the filtering and infiltration of the run-off which in turn improves water quality and reduces downstream run-off.

If the lot is graded to disperse the rooftop runoff as sheet flow through at least 50' of thick grass or other thick vegetation or through at least 25' of

existing woodlands, 50% of the rooftop impervious area draining through the vegetation may be modeled as grass in good condition when calculating the post development curve number. If reforestation or planted landscape beds equal in area to 50% of the rooftop area is placed in the path of the disconnected rooftop runoff, then the remaining 50% of the rooftop impervious area may be modeled as grass in good condition when calculating the post development curve number.

If the rooftop runoff is discharged into a properly designed and constructed bioretention facility/rain garden onsite, 100% of the rooftop impervious area draining to the device may be modeled as grass in good condition when calculating the post development curve number.

If downspouts need to be piped away from building foundations to prevent damage to the foundations, the pipes must outfall at least ten (10) feet, preferable further, from any property line. If the downspouts are piped and the runoff cannot disperse in accordance with the above requirements, no stormwater credit is available.

- (c) Disconnection of non-rooftop impervious runoff: Rooftop runoff that is disconnected from another impervious surface and directed over a pervious area will infiltrate into the soil or be filtered by the surface material. The longer the flow path of the water across vegetated areas, the greater the filtering and infiltration of the runoff which in turn improves water quality and reduces downstream runoff.

Discharging run-off from impervious surfaces onto pervious surfaces through the use of pervious pavers, permeable paving surfaces, rain gardens/bioretention facilities, grassed swales, use of open road sections in lieu of curbed roads, and by grading the site so that run-off travels from an impervious surface to a pervious surface before being collected in a drainage system. All of these increase filtering and infiltration of stormwater before the flows become concentrated and this in turn improves water quality and reduces downstream run-off which means pipes, swales, ditches, and stormwater facilities can be smaller.

Avoid sending run-off from one impervious surface directly onto another impervious surface. Place pervious surfaces between impervious surfaces along the run-off path.

If the site is graded to disperse the impervious runoff as sheet flow through at least 50' of thick grass or other thick vegetation or through at least 25' of existing woodlands, 50% of the impervious area draining through the vegetation may be modeled as grass in good condition when calculating the post development curve number. If the impervious runoff is discharged into a properly designed and constructed bioretention facility/rain garden onsite, 100% of the impervious area draining to the device may be modeled as grass in good condition when calculating the post development curve number.

(d) Sheet flow: Maintain sheet flow for as long as possible before the run-off has to be collected in a stormwater conveyance system. Sheet flow increases infiltration and lengthens the time of concentration which in turn improves water quality and reduces run-off downstream. Spread out concentrated flows created by the development before they are discharged off site using stilling basins, level spreaders, directing run-off through woodlands, or other means so the run-off returns to pre-development characteristics to meet the adequacy of outfall provision of this ordinance and to improve water quality and reduce run-off downstream.

(e) Grass channels in lieu of piping or hard surface channels.

(f) Environmentally sensitive development:

Maintaining/not disturbing environmentally sensitive areas such as streams, stream buffers, existing woodlands, existing steep slopes, wetlands, etc., the reduction of cut and fill, excavating, etc. and the appropriate balance of buildings and parking on the development site.

(g) Improvements to and the reduction in the impervious areas on the development site:

Design parking lots with the minimum amount of hard surface required to meet the zoning regulations. If additional parking area is desired, the City strongly encourages the employee and/or overflow parking areas to be constructed in a more pervious material than asphalt or concrete. If the parking regulations require excessive parking for your type of development, discuss the issue with the City Staff. If the City Staff feels a reduction in the number of required parking spaces is justified, a variance can be submitted to the Board of Zoning Appeals to reduce the parking requirements which in turn will reduce the amount of impervious surface installed.

(h) Increased use of trees, shrubs and ground cover, which absorb up to 14 times more rainwater than grass and require less maintenance.

(17.) Neighboring persons and property shall be protected from damage or loss

resulting from an increase in stormwater run-off above the pre-development rate, soil erosion, or the deposit upon private property, public streets or right-of-ways of silt and debris transported by water from construction, excavating, grading, etc. associated with a development.

**14-309 Permit application:** In addition to the Stormwater Plan, applications for a Grading Permit involving land disturbing activities must include the following:

- (1.) Name of applicant.
- (2.) Business or residence address of applicant.
- (3.) Name and address of owner(s) of property involved in activity.
- (4.) Address and legal description of property, and names of adjoining property owners.
- (5.) Name, address and state license number of contractor, if different from applicant, and to the extent possible any subcontractor(s) who shall undertake the land disturbing activity and who shall implement the Stormwater Plan.
- (6.) A brief description of the nature, extent, and purpose of the land disturbing activity.
- (7.) Proposed schedule for starting and completing the project.

**14-310 Plan development at developer's expense:** Unless approved by the Board of Mayor and Aldermen, all Stormwater Plans shall be developed and presented at the expense of the owner/developer.

**14-311 Plan submitted to building inspector:** The Stormwater Plan shall be submitted directly to the Building Inspector who will direct a copy to other City Departments or others for review. The building Inspector shall determine the number of plan copies to submit. Any insufficiencies and violations determined by the City Staff shall be noted and comments will be directed back to the Applicant/Developer. The Plan will then be revised as required prior to being presented to the Church Hill Planning Commission.

**14-312 Plan submitted in number satisfactory to planning commission:** The Church Hill Planning Commission shall determine the number of copies of the Stormwater Plan that must be provided to the Commission by the Owner/Developer.

**14-313 Plan review:** The Church Hill Planning Commission shall review the Stormwater Plans as quickly as possible while still allowing for a thorough evaluation of the problems and mitigation measures identified and addressed.

**14-314 Grading permit and bond:** Following approval of the Stormwater Plan by the Planning Commission, a grading permit shall be obtained from the Building Inspector. No grading permit shall be issued until a security in the form of a Contractor Performance Bond, Irrevocable Line of Credit, or cash deposit is posted in the amount determined to be reasonable by the Planning Commission. A project cost summary must accompany the application so that it can be used to help determine the bond amount. The bond may not be higher than an amount equal to the estimated cost of the improvements, and said bond shall only be released by the Building Inspector following completion of construction and acceptance of the grading, vegetation, drainage, stormwater management, and erosion and sediment control measures. The security shall be made out to the City of Church Hill and in a format determined by the City. If after eight (8) months from the start of construction it appears that the Drainage and Sediment Plan activities approved by the Church Hill Planning Commission will not be implemented within a twelve (12) month period, the Church Hill Planning Commission, at its discretion after a Notice of Non-Compliance has been properly issued as outlined in Section 14-326 of this Chapter and the Developer has failed to comply, may cash said Security to complete all of the improvements approved or any portion of the Stormwater Plan activities it deems necessary to protect the health and safety of residents and to protect the quality of local waters. Upon the posting of the security, the Developer must sign and have notarized an approved certification granting permission for any Stormwater Plan activities, and any landscaping, paving and utility improvements also approved, to be made on the property in case of default. The Planning Commission may waive the requirement for a security for work on an acre or more in which the land disturbing activities are very minimal and are similar to single lot residential development.

**14-315 Building Inspector/Public Works Director may require additional protective measures:** The Building Inspector and the Public Works Director have the authority at their discretion to require ground cover or other remediation measures preventing stormwater, erosion and sediment run-off, if either determines after construction begins that the plan and/or implementation schedule approved by the Planning Commission does not adequately provide the protection intended in the ordinance and in the approval issued by the Commission. Additional protective measures required by the Public Works

Director and/or the Building Inspector that fall under the authority of the Planning Commission are subject to appeal under the procedures outlined in Section 329 of this Chapter.

**14-316 Certification of design professional:** The registered design Professional responsible for developing the Stormwater Plan may be required to provide written certification to the extent possible that the stormwater management facility approved by the Planning Commission have been implemented satisfactorily and are in compliance with the approved plan. The Building Inspector or designee will ultimately have final approval authority through the issuance of Certificate of Occupancy as designated in Section 14-327.

**14-317 Stormwater management facilities and drainage structures maintained:** All on-site stormwater management and drainage structures shall be properly maintained by the owner/developer during all phases of construction and development so that they do not become a nuisance. Nuisance conditions shall include: improper storage resulting in uncontrolled run-off and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facilities operation. When problems occur during any phase of construction and development, it is the responsibility of the developer to make the necessary corrections. Corrective actions will be monitored and inspected by the Enforcement Officer. The Developer shall provide the necessary permanent easements to provide City personnel access to the stormwater management facilities and drainage structures for periodic inspection. A right-of-way to conduct such inspections shall be expressly reserved in the permit.

**14-318 Improperly maintained stormwater management facilities and drainage structures a violation.** The Building Inspector and/or the Stormwater Manager/Codes Enforcement Officer shall periodically monitor and inspect the care, maintenance and operation of stormwater management facilities and drainage structures during and after construction and development. Facilities found to be a nuisance, as defined in Section 14-317, are in violation of the ordinance and are subject to fines of up to \$5,000.00 per day for each day of violation (T.C.A. §68-221-1101) with each additional day considered a separate violation.

**14-319 Technical assistance:** The City Staff, as determined by the City Recorder, are available for consultation and advice concerning stormwater management and erosion and sediment problems to all persons planning to develop land within the City or under the subdivision jurisdiction of the Church Hill Planning Commission.

**14-320 Building Inspector and/or Stormwater Manager/Codes Enforcement Officer responsible for providing safeguards in projects less than one acre or utilizing less than three (3) lots:** Projects undertaken within the city limits of Church Hill that are not subject to review and approval of the Church Hill Planning Commission shall fall under the responsibility of the Enforcement Officers to see that the measures required in this Chapter to protect the health and safety of the people and to protect the quality of surface water are carried out as needed. The Enforcement Officers shall require reasonable drainage and erosion and sediment control measures as part of the grading permit process outlined in Section 14-322. Under no conditions shall the developer/contractor of a property allow silt or sediment to enter drainage ways or adjoining properties, or allow stormwater flows to adversely impact adjoining properties. Denuded areas, cuts, and slopes in areas outside the building site shall be properly covered within the same schedule as directed in Section 14-308(14) of this Chapter.

**14-321 Grading permit also required for any project on less than one acre involving grading, filling, or excavating:** A Grading Permit is also required for any development or construction activity on property one (1) acre or less except for: the normal functioning and operation of private agriculture and forest lands; any State or Federal agency not under the regulatory authority of the City of Church Hill for stormwater management, sediment and erosion control; and minor land disturbing activities such as home gardens, individual home landscaping, repairs and maintenance. However, said development and construction activities do not require a formal Stormwater Plan unless specifically requested by the Planning Commission. The Building Inspector shall require that all grading, vegetation, drainage, stormwater, erosion and sediment control measures necessary shall be implemented, shall conform to any and all Best Management Practices, and shall meet the objectives established in this ordinance. Developers must also present to the Building Inspector a description of the measures that will be taken to address the requirements established in Sections 14-307(14 & 15) of this Chapter - avoiding mud, sediment, rock and debris on public ways and streets. These measures must be addressed prior to the Building Inspector issuing a Grading Permit. Measures preventing excess run-off

and erosion must be in place prior to the commencement of grading and/or excavation.

**14-322 Existing developed properties with drainage, erosion and sediment concerns:** Properties of any size within the city limits of the City of Church Hill that have been developed or in which land disturbing activities have previously been undertaken, are subject to the following requirements:

- (1.) Denuded areas still existing as of the second and final reading of this ordinance must be vegetated or covered under the standards and guidelines specified in the Best Management Practices adopted by the Board of Mayor and Aldermen, and on a schedule acceptable to the Enforcement Officers.
- (2.) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (3.) Drainage ways shall be properly covered in vegetation or secured with stones, etc. to prevent erosion.
- (4.) Junk, rubbish, etc. shall be cleared of drainage ways to prevent possible contamination and pollution.
- (5.) Stormwater run-off in commercial areas, office or medical facilities, shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but not be limited to, the following:
  - (a.) Oil skimmer/grit collector structure or other water quality device. These structures are designed to skim floatables out of parking lots and other impervious surfaces, and allow solids of debris and sediment to settle before being discharged in a local waterway.
  - (b.) Stormwater management facilities.
  - (c.) Planting and/or sowing of vegetation and other nonstructural measures.
  - (d.) Rip-rapping, mulching, and other similar erosion control measures associated with local drainage ways.

**14-323 Improvements needed at existing locations/developments determined by the Building Inspector and/or Stormwater Manager/Codes Enforcement Officer:** Improvements needed to provide drainage and sediment control in existing and completed developments shall be determined by either of the Enforcement Officers. The Enforcement Officers shall evaluate existing developments, parking areas, site work, and drainage ways to determine if additional measures to protect health and safety and water quality are needed. Recommendations shall be:

- (1.) Provided in writing to the property/business owner.
- (2.) Detailed as to specific actions required and why these actions are necessary.
- (3.) Made with a reasonable period of time for implementation.

**14-324 Improvements required in existing developments normally at owner's expense:** Drainage and sediment control measures required in existing developed properties shall normally be undertaken at the property or business owner's expense. Unless, determined otherwise by the Board of Mayor and Aldermen, drainage and sediment control measures implemented shall be properly maintained by the property or business owner. The Board of Mayor and Aldermen, however, at its discretion in circumstances in which Board members feel the City's participation is essential to protecting the health and safety of residents and the water quality of Church Hill's drainage ways, may approve cost-sharing or total financial responsibility for needed drainage and sediment control measures.

**14-325 Improvements required with existing developments subject to appeal:** Improvements required by the Enforcement Officers as outlined in Sections 14-323 and 14-325 of this Chapter are subject to appeal by the property/business owners to the Church Hill Planning Commission as specified in Section 14-329.

**14-326 Monitoring, reports, and inspections:** The Stormwater Manager/Codes Enforcement Officer and/or the Building Inspector, with the possible assistance of others, shall make periodic inspections, during construction and development, of the land disturbing activities, the stormwater management system installations, and other activities requiring a grading permit to ensure compliance with the approved plan and Church Hill's Best Management Practices. For construction sites draining to siltation or habitat alteration impaired streams or exceptional Waters of the State, the City shall perform monthly inspections. Inspections will evaluate whether the measures required in the Stormwater Plan and/or grading permit and undertaken by the Developer are effective in controlling erosion. The right of entry to conduct such inspections shall be expressly reserved in the permit.

As a minimum, the owner/operator of any construction project which requires a Stormwater Plan is required to perform weekly inspections of their erosion and sediment control devices and to perform required maintenance in a timely manner. If the construction project requires a construction stormwater permit

through the State of Tennessee, the owner/operator shall perform inspections twice weekly separated by at least 72 hours, site assessments, maintenance of devices, and documentation in accordance with the State of Tennessee's current Construction General Permit.

For drainage areas of 10 acres or more to a single outfall (5 acres or more if draining to siltation or stream-side habitat alteration impaired or exceptional Waters of the State), a site assessment by the design professional who prepared the plans shall be performed within 1 month of grading or clearing operations starting to verify the installation, functionality and performance of all erosion and sediment control measures on the plans and in the SWPPP. Any issues shall be addressed immediately and the plans and SWPPP updated, if applicable. If the Stormwater Manager/Codes Enforcement Officer or the Building Inspector determines that the permit holder has failed to comply with plan approval, the following procedures shall apply:

- (1.) A Notice from the Enforcement Officer shall be served on the permit holder either by registered or certified mail, delivered by hand to the permit holder or an agent or employee of the permittee supervising the activities, or by posting the notice at the work site in a visible location, that the permit holder is in Non-Compliance.
- (2.) The Notice of Non-Compliance shall specify the measures needed to comply and shall specify the time within which such corrective measures shall be completed. The Enforcement Officer shall require a reasonable period of time for the permittee to implement measures bringing the project into compliance, however, if it is determined by the Enforcement Officer that health and safety factors or the damage resulting from being non-compliant is too severe, immediate action may be required.
- (3.) If the permit holder fails to comply within the time specified, the permittee may be subject to the revocation of the permit. In addition, the permittee shall be deemed to be in violation of this ordinance and upon conviction shall be subject to the penalties provided in this ordinance.
- (4.) In conjunction with the issuance of a Notice of Non-Compliance, or subsequent to the permittee not completing the corrective measures directed in the time period required, the Building Inspector, or his designee, may issue an Order requiring all or part of the land disturbing activities on the site be stopped. The Stop Work Order may be issued with or as part of the Notice of Non-Compliance, or may be delivered separately in the same manner as directed in

Section 14-326(1).

**14-327 Certificate of Occupancy not issued until approvals:** The Building Inspector has the authority to not issue a Certificate of Occupancy necessary to occupy any commercial or residential establishment until all aspects of the Stormwater Plan including stormwater management facilities have been completed, control devices constructed have been approved and accepted, and, if within a subdivision or commercial development, all paving, landscaping of public ways, and utilities, including street lighting if decorative lights are used, are approved and accepted.

**14-328 Plan construction acceptance and bond release:** Stormwater Plan activities must be inspected and accepted by the Enforcement Officer before the Planning Commission or their designee may release the security.

**14-329 Appeal of administrative action:** Actions taken by the Enforcement Officer as authorized in Sections 14-315, 14-324, 14-326, 14-327, and 14-328 are subject to review by the Church Hill Planning Commission provided an appeal is filed in writing with the Chairman of the Planning Commission within thirty (30) days from the date any written or verbal decision has been made which the Developer feels adversely affects his/her rights, duties or privileges to engage in the land disturbing activity and/or associated development proposed. Drainage and sediment mitigation actions required by the Building Inspector and Enforcement Officer with existing properties or developments are also subject to appeal to the Church Hill Planning Commission provided that appeals are made in writing, within thirty (30) days of receiving formal notification, to the Commission Chairman citing the specific reason(s) the activity or activities required present a hardship and cannot be implemented.

**14-330 City clean-up resulting from violations at Developer's/Owner's expense:** City staff is authorized at any time during construction and development to take remedial actions to prevent, clean-up, repair or otherwise correct situations in which water, sediment rock, vegetation, etc. ends up on public streets and/or right-of-ways resulting from violations of this ordinance; where necessary drainage erosion and sediment control measures have not been properly implemented. In such cases, the cost of labor, equipment, and materials used will be charged to the Developer/Owner in addition to a service charge of \$100.00 per hour. The City will invoice the Developer/Owner directly, and payment shall be received within fourteen (14) days. Failure to pay for remedial actions taken by the City under this Section may result in the City Attorney filing

a lien against the property involved in the action, and may negate any intention by the City to accept responsibility for any drainage and sediment control facilities. The decision of the City to take remedial actions to protect the health and safety of the public in no way supplants or negates the authority of the appropriate City Staff to issue citations for violations of this Ordinance.

**14-331 Illicit Discharge and Illegal Dumping:** The owner/operator of the site or project must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

**The following discharges are prohibited from construction sites:**

1. Wastewater from washout of concrete, unless managed by an appropriate control.
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
4. Soaps or solvents used in vehicle and equipment washing

**14-332 Penalties; Enforcement:** Any Developer or person who shall commit any act declared unlawful under this Chapter, who violates any provision of this Chapter, who violates the provisions of any permit issued pursuant to this Chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement Officer or the Church Hill Planning Commission, shall be guilty of a violation of this municipal ordinance, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. Upon conviction, the Developer or person shall be subject to fines of up to \$5,000.00 per day for each

day of violation (T.C.A. §68-221-1106). Unless otherwise specified within any section of this Chapter, the Building Inspector and the Stormwater Manager/Codes Enforcement Officer are the designated Enforcement Officers of this ordinance. Citations for violations may be issued by any Enforcement Officer, the Public Safety Director or any Church Hill Police Officer.

**14-333 Severability:** If any provision of this Ordinance is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any remaining provisions.

## **CHAPTER 4**

### **ZONING ORDINANCE**

#### **SECTION**

- 14-401 Short title
- 14-402 Purpose
- 14-403 Definitions and terms used in ordinance
- 14-404 Classification of districts
- 14-405 Application of regulations
- 14-406 General provisions
- 14-407 Provisions governing use districts
- 14-408 Minimum lot sizes for (R-1) through (R-5)
- 14-409 Exceptions and modifications
- 14-410 Enforcement
- 14-411 Board of zoning appeals
- 14-412 Amendment

**14-401 Short title:** This ordinance shall be known as the "Zoning Ordinance of Church Hill, Tennessee," and the map herein referred to, which is identified by the title, "Church Hill, Tennessee Zoning Map" and dated May 1982 shall be known as the "Zoning Map of Church Hill, Tennessee." The Zoning Map of Church Hill, Tennessee and all explanatory matter thereon are hereby adopted and made a part of this chapter. (2003 Code, § 11-401)

**14-402 Purpose:** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (2003 Code, § 11-402)

**14-403 Definitions of terms used in ordinance:** Except as specifically defined herein, all words used in the ordinance have their customary dictionary definition. For the purpose of this ordinance, certain words or terms used herein shall be defined as follows: words used in the present tense include the future

tense. Words used in the singular number include the plural, and words in the plural include the singular. The word "person" includes a firm, co-partnership, company, organization, trust, association, corporation, as well as an individual. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is mandatory, not directory. The word "used" or "occupied" as applied to any land or building shall be determined to include "intended," as in arranged or designed to be used or occupied.

- 1) "Access." The right to cross between public and private property, thus allowing pedestrians and vehicles to enter and leave property.
- 2) "Accessory use or accessory structure." A use or structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use.
- 3) "Adult-oriented establishments." Establishments that cater to an exclusively or predominantly adult clientele and which feature sexually explicit products and/or entertainment. Examples of such establishments includes but are not limited to: adult book stores, adult theaters, adult motion picture theaters, adult cabarets and other enterprises that regularly feature materials, acts, or displays involving male or female nudity and/or sexually oriented activities.
  - a) "Adult book store." Any establishment having more than fifty percent (50%) of the face value of its stock in trade: books, magazines, motion pictures, periodicals, and/or other materials which are distinguished or characterized by depicting, describing, or relating to male or female nudity and/or sexually oriented activities.
  - b) "Adult cabaret." Any restaurant, bar, dance hall, nightclub or other such place, which features male or female dancers, strippers, or similar entertainers for the entertainment of a predominantly adult clientele.
  - c) "Adult motion picture theater." Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to male or female nudity and/or sexually oriented activities for observation by patrons therein.
  - d) "Adult theater." Any theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances characterized by male or female nudity and/or sexually oriented activities.
- 4) "Alley." A public or private way that provides only a secondary means of access to property.
- 5) "Apartment." A form of multi-family housing which is "attached" and

which contains three (3) or more dwelling units for lease.

- 6) "Automobile wrecking yard." Commonly referred to as a "junk yard," it is a premises used for the storage or sale of five (5) or more inoperative used automobiles (to include trucks, buses, trailers, and vehicular machinery) and parts of same, or for the storage, dismantling, or abandonment of junk, obsolete automobiles or parts thereof.
- 7) "Bed and breakfast inn." A residential unit in which up to four (4) guest rooms are available for overnight accommodation and breakfast for registered guests is provided.
- 8) "Berm." A mounded or raised area of soil or other material used to obstruct views, decrease noise, and/or otherwise act as a buffer between incompatible land uses.
- 9) "Buffer strip." Plant material, to include trees, shrubs, and/or grasses, of such growth characteristics as will provide an obscuring screen not less than ten (10) feet in width and not less than six (6) feet in height when planted. The planning commission may approve the use of other materials to provide a buffer strip if the situation warrants.
- 10) "Building." Any built structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.
  - a) "Building, accessory." A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.
  - b) "Building, principal." A building in which the primary use of the lot on which the building is located is conducted.
- 11) "Building height." The vertical distance measured from the finished grade at the building line to the highest point of the roof.
- 12) "Building official." Also commonly referred to as the "building inspector," the officer, or his duly authorized representative, charged with the administration and enforcement of this ordinance.
- 13) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided herein.
  - a) "Building setback line, front." A line delineating the minimum allowable distance between the street right-of-way and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.
  - b) "Building setback line, rear." A line delineating the minimum allowable distance between the rear property line and a building on a

lot. The rear building setback line extends the full width of the lot. The rear building setback line may differ for the principal building and any accessory building

- c) "Building setback line, side." A line delineating the minimum distance between the side property line and a building on a lot. The side building setback line extends from the front building setback line to the rear building setback line. The side building setback line may differ for the principal building and any accessory building.
- 14) "Clinic." A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
  - 15) "Club." A building or facility owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.
  - 16) "Cluster development." A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
  - 17) "Conditional use." A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.
  - 18) "Condominium." A multi-unit development offering individual ownership of said units.
  - 19) "Day care center." A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of eight (8) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody. The term "day care center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluded are schools graded 1 - 12 and kindergartens operated by governmental units or by religious organizations).
    - a) "Day care center, adult." A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of persons over eighteen (18) years of age for less than twenty-four (24) hours per day. The adult day care center shall provide a structured program of personalized care for adults who are not capable of full independent living as a result of physical disability, developmental disability, emotional impairment, or frailty resulting from advanced age.

- 20) "Dental clinic." A facility for the examination and treatment of patients for oral health on an out-patient basis.
- 21) "Dwelling unit." One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with separate toilets and facilities for cooking and sleeping.
- 22) "Dwelling, single-family." A building designed, constructed, and used for one (1) dwelling unit.
- 23) "Dwelling, two-family or duplex." A building designed, constructed or reconstructed and used for two (2) dwelling units that are connected by a common structural wall.
- 24) "Dwelling, multi-family." A building designed, constructed or reconstructed and used for more than two (2) dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.
- 25) "Family." An individual, or two (2) or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as a single housekeeping unit. Expressly excluded from this definition are lodgers or tenants.
- 26) "Funeral home." A building or part thereof used primarily for human funeral services. Such buildings may contain space and facilities for:
  - a) Embalming and performance of other services used in the preparation of the dead for burial;
  - b) Facilities for cremation; and
  - c) Storage of funeral caskets and funeral urns, and other related funeral supplies.
- 27) "Farming." This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, forests and woods, provided however, all health codes of Church Hill and Hawkins County are complied with.
- 28) "Home occupation." An occupation for gain or support which is customarily conducted within the home, which is incidental to the use of the building as a dwelling unit, which employs not more than two persons who are not residents of the premises, and which occupies not more than thirty percent (30%) of the area of the ground floor of the dwelling unit.
- 29) "Lot." A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.
  - a) "Lot, corner." A lot abutting two (2) or more streets, exclusive of alleys, at their intersection.
- 30) "Lot area." The total horizontal area within the lot lines of a lot,

exclusive of street rights-of-way and easements of access to other property.

- 31) "Lot line." The property line bounding a lot.
  - a) "Lot line, front." The lot line separating the lot from the street that provides access to the lot.
  - b) "Lot line, rear." The lot line which is opposite and most distant from the front lot line.
  - c) "Lot line, side." Any lot line not a front or rear lot line.
- 32) "Lot of record." A lot, the boundaries of which are filed as legal record.
- 33) "Lot width." The width of a lot at the required front building setback line.
- 34) "Manufactured home." Commonly called a "mobile home," manufactured home is a single- or multi-sectional unit which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. The plumbing, heating, air conditioning, and electrical systems are complete. A manufactured home can be transported in one or more sections, and in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length. When erected on site the structure contains at least three hundred twenty (320) square feet. It is constructed to National Manufactured Home Construction and Safety Standards, identifiable by a red and silver seal.
- 35) "Manufactured home park." Commonly called a "mobile home park." Any single plot or tract of land containing, or designed for and intended to contain, two (2) or more manufactured homes for permanent residence, where manufactured home spaces are leased or rented to the homeowner by the land owner.
- 36) "Manufactured home space." A leased area within a manufactured home park which is developed to contain one (1) manufactured home and its associated parking, patios, decks, utilities, landscaping, and private recreation area.
- 37) "Manufactured home subdivision." A subdivision of land designed for occupancy by manufactured homes exclusively and where the individual lots are sold to the occupants.
- 38) "Medical clinic." A licensed facility for examining and treating patients with medical problems on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility or substance abuse treatment facility as per the Church Hill Zoning Ordinance.
- 39) "Methadone treatment clinic or facility." A licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Church Hill Zoning Ordinance.

- 40) "Modular home." A home constructed in a factory, like manufactured home, but which is not built on a permanent chassis, and which requires placement on a permanent foundation. It is constructed to the Tennessee Modular Building Code, and is identified by a green seal.
- 41) "Nonconforming use." A building, structure, or use of land lawfully existing at the time of enactment of this ordinance or any amendment thereto, which does not conform to the requirements of the zone in which it is located.
- 42) "Off-street parking." A parking space provided in a parking lot, parking structure, or private driveway.
- 43) "Planned unit development." A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings open spaces, and other site features and improvements.
- 44) "Principal use." The primary use of a property, which is permitted under the zoning regulations which apply to the district in which the use is located.
- 45) "Recreational vehicle." A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.
- 46) "Recycling center." A building in which recoverable resource materials are separated and processed prior to shipment to others who will use those materials to manufacture new products.
- 47) "Recycling collection point." An incidental use that serves as a neighborhood or regional drop-off point for recoverable resources, located either in a container or small structure. This facility would generally be located in a shopping center parking lot or in other public/semi-public areas.
- 48) "Repair garage." A building in which motor vehicles are repaired, rebuilt, reconstructed, painted, or stored, for compensation.
- 49) "Right-of-way." An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.
- 50) "Self-service storage facility." Commonly referred to as "mini-warehouses," a building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods and wares.
- 51) "Service station." Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and major body work are conducted.

- 52) "Shopping center." A grouping of retail business and service uses on a single site with common parking facilities.
- 53) "Sign." A structure or device designed or intended to convey information to the public in written or pictorial form.
- a) "Sign, Advertising." A sign that directs attention to a product, place, activity, institution, etc. with the purpose of gaining public attention for benefit (monetary or other) to the owner of the sign.
  - b) "Sign, animated." 1. A sign that is set to change intensity of illumination at set increments of time. 2. A sign that uses change of lighting to create the appearance of words, numbers, or objects moving across the face of the sign horizontally, vertically or diagonally. 3. An electronic message board that uses change of lighting to depict motion with a slightly progressive change.
  - c) "Sign, auxiliary Lighting." A sign illuminated in any manner by an artificial light source. All illuminated signs shall be designed, installed and directed in such a manner to prevent glare beyond the property line.
  - d) "Sign, awning (canopy or marquee)." A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.
  - e) "Sign, billboard." A sign or structure directing attention to a business, product, service, message, or entertainment which is not conducted, sold, or offered on the premises where the sign is located, or is a minor and incidental activity upon the premises where the sign is located. A billboard is deemed to constitute a principal structure or use.
  - f) "Sign, business." A sign which advertises the name, logo, slogan, prices, products, or services offered by the business or activity on the premises. Business signs may be illuminated internally or through auxiliary sources (Business signs must not include flashing or moving illumination, electronic messages boards, or LED lighting that exceeds 60 lumens.)
  - g) "Sign, free-standing." A sign supported by one or more upright poles, columns or graces placed in or on the ground and not attached to any building or structure.
  - h) "Sign, government." Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction, or for designation of, direction to, or announcement

of activities at any public property or facility.

- i) "Sign, illuminated." A sign illuminated in any manner by an artificial light source. All illuminated signs shall be designed, installed and directed in such a manner to prevent glare beyond the property line.
  - j) "Sign, Lumen." A unit of light energy used to specify the light output of sources. Manufacturer lumen ratings can be found on light source packaging.
  - k) "Sign, off-premise." (See Sign, Billboard).
  - l) "Sign, portable." A sign that is not permanently affixed to a building, other unmovable structure, or to the ground.
  - m) "Sign, roof." Any sign erected upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.
  - n) "Sign, temporary." A sign intended for use for only a limited period of time.
  - o) "Sign, wall." A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.
  - p) "Sign, window." A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.  
(ORD. 19-493, December 2019)
- 54) "Sign area." The area of a sign shall be the area of the smallest rectangle that encloses the sign and its frame, if any. For a two-sided sign, only the area of a single side shall be considered, or if the two sides are of different size, the area of the larger shall be considered.
- 55) "Site plan." A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
- 56) "Street." A public or private thoroughfare used, or intended to be used, for vehicular traffic.
- a) "Street, arterial." A street that provides for traffic movement between areas and across portions of the city and, secondarily, for direct access to abutting properties, as indicated on the Zoning Map of the City of Church Hill.
  - b) "Street, collector." A street that provides for traffic movement within areas of the city and between the arterial streets and the local streets for direct access to abutting properties, as indicated on the Zoning Map of the City of Church Hill.
  - c) "Street, local." A street that has the sole purpose of providing

frontage for service and access to private lots in the city.

- 57) "Structure." Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
- 58) "Substance abuse treatment facility." A licensed facility with purpose of providing out-patient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances. A substance abuse treatment facility is not a medical clinic or methadone treatment clinic or facility as per the Church Hill Zoning Ordinance.
- 59) "Total floor area." The sum of the areas of all floors of a building including finished attic, finished basement, and covered porches.
- 60) "Tower." Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.
- 61) "Townhouse." A single-family dwelling unit attached by fire resistant common walls to other similar type units, each unit having open space for light, air, and access in the front and rear.
- 62) "Use." The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is occupied or maintained.
- 63) "Variance." A relaxation of the terms of the zoning ordinance which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and/or undue hardship.
- 64) "Yard." An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.
  - a) "Yard, front." The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.
  - b) "Yard, rear." The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.
  - c) "Yard, side." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches. (2003 Code, § 11-403, as amended by Ord. #09-434, April 2009, and Ord. #11-446, July 2011)

**14-404 Classification of districts:**

1) Classification of districts. For the purpose of this chapter Church Hill, Tennessee is hereby divided into ten (10) districts, designated as follows:

- R-1 Low density residential district
- R-2 Medium density residential district
- R-3 Medium density residential district
- R-4 High density residential district
- R-5 Mobile home park district
- B-1 Neighborhood business district
- B-2 Central business district
- B-3 Arterial business district
- B-4 Shopping center district
- M-1 - Industrial district

2) Boundaries of districts.

a) The boundaries of districts in subsection (1) of this section are hereby established, as shown on the map entitled "Zoning Map of Church Hill, Tennessee," dated April 1980, as amended, which is part of this chapter and which is on file in the office of the city recorder.\*

- \*Zoning Map amended by Ord. # 278, 06-20-95.
- Zoning Map amended by Ord. # 283, 08-15-95.
- Zoning Map amended by Ord. # 286, 09-19-95.
- Zoning Map amended by Ord. # 291, 03-14-96.
- Zoning Map amended by Ord. # 294, 06-18-96.
- Zoning Map amended by Ord. # 296, 08-01-96.
- Zoning Map amended by Ord. # 297, 09-17-96.
- Zoning Map amended by Ord. # 305, 08-01-96.
- Zoning Map amended by Ord. # 306, 08-01-96.
- Zoning Map amended by Ord. # 310, 08-01-96.
- Zoning Map amended by Ord. # 311, 09-17-96.
- Zoning Map amended by Ord. # 312, 08-01-96.
- Zoning Map amended by Ord. # 313, 06-18-96.
- Zoning Map amended by Ord. # 314, 08-01-96.
- Zoning Map amended by Ord. # 315, 08-01-96.
- Zoning Map amended by Ord. # 319, 06-16-98.
- Zoning Map amended by Ord. # 320, 11-07-98.
- Zoning Map amended by Ord. # 326, 01-08-99.
- Zoning Map amended by Ord. # 331, 08-17-99.
- Zoning Map amended by Ord. # 332, 08-17-99.
- Zoning Map amended by Ord. # 334, 09-21-99.
- Zoning Map amended by Ord. # 335, 09-21-99.
- Zoning Map amended by Ord. # 336, 10-19-99.
- Zoning Map amended by Ord. # 339, 02-15-00.
- Zoning Map Amended by Ord. # 361, 03-22-02.

Zoning Map Amended by Ord. # 373, 01-21-03.  
Zoning Map Amended by Ord. # 376, 02-18-03.  
Zoning Map Amended by Ord. # 387, 07-15-03.  
Zoning Map Amended by Ord. # 391, 01-20-04.  
Zoning Map Amended by Ord. # 398, 07-20-04.  
Zoning Map Amended by Ord. # 404, 09-21-04.  
Zoning Map Amended by Ord. # 405, 12-21-04.  
Zoning Map Amended by Ord. # 412, 07-19-05.  
Zoning Map Amended by Ord. # 07-423, 11-20-07.  
Zoning Map Amended by Ord. # 16-483, 11-15-16  
Zoning Map Amended by Ord. # 20-496, 6-16-20  
Zoning Map Amended by Ord. # 23-510, 4-18-23  
Zoning Map Amended by Ord. # 23-514, 8-15-23

- b) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or a specified distance therefrom, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this chapter. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
- c) Where a district boundary divides a lot, as existing at the time this chapter takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty-five(25) feet within the more restricted district. (2003 Code, § 11-404, as amended by Ord. #15-473, May 2015)

#### **14-405 Application of regulations:**

- 1) Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.
- 2) Street frontage. No dwelling shall be erected on a lot which does not abut an existing city street for at least fifty (50) feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of forty (40) feet if the lot is at least fifty (50) feet in width at the building line.
- 3) Corner lots. The minimum width of a side yard along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located.
- 4) One principal building on a lot. Only one (1) principal building and its

customary accessory buildings may hereafter be erected on any lot.

- 5) Reduction of lot size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this chapter shall not be maintained.
- 6) Yard and other spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building.
- 7) Conformity to subdivision regulations. No building permit shall be issued for nor shall any building be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Church Hill Regional Planning Commission.
- 8) Height and density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.
- 9) Annexations. All territory which may hereafter be annexed to the City of Church Hill, Tennessee shall be considered to be in the R-1 Low Density Residential District until otherwise classified.
- 10) Private subdivision restrictions. No municipal regulation or provision of this zoning ordinance is intended to abrogate or supersede any more stringent conditions which may be contained in any valid deeds or contracts pertaining to private subdivision developments or which may be set out in private restrictive covenants regarding the use of property and the size and location of buildings thereon within the municipal limits. The standards set out in this zoning ordinance are considered minimum standards for the entire municipality. Private individuals are free to contract between themselves for more restrictive conditions on their private property so long as they also comply with the provisions of this chapter and all other applicable municipal ordinances. (2003 Code, § 11-405)

#### **14-406 General provisions:**

- 1) Continuance of nonconforming uses. Any lawful use of any building or land existing at the time of the enactment of this chapter or wherever a district is changed by an amendment thereafter may be continued although such use does not conform with provisions of this chapter with the

following limitations:

- a) No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this chapter for the district in which it is located, provided, however, that nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this chapter; industrial, commercial, or other business establishments shall conform with provisions established in Tennessee Code Annotated, § 13-7-208.
  - b) Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the building inspector determines that the building is damaged to the extent of more than seventy-five percent (75%) of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this chapter.
  - c) When a nonconforming use of any building or land has ceased for a period of one (1) year, it shall not be re-established or changed to any use not in conformity with the provisions of this chapter.
  - d) All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be required to conform to the provisions of this chapter upon official notification by the building inspector.
- 2) Off street automobile parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred (200) square feet in area (10' x 20') and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into any collection or arterial street. Back out parking may be permitted on residential streets.
- a) Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.
  - b) Churches: One space for each three (3) seats.
  - c) Clubs and lodges: One space for each two hundred (200) square feet of floor space.
  - d) Dwellings:

- i) Single and duplex - two spaces for each unit.
- ii) Multi-family - three spaces for each unit.
- e) Funeral parlors: One space for each three (3) seats in the chapel.
- f) Gasoline service stations and similar establishments: Four spaces for each bay or similar facility plus one (1) space for each employee.
- g) Hospitals and nursing homes: One space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one space for each four (4) beds, computed on the largest number of employees on duty at any period of time.
- h) Hotel: One space for each three (3) employees plus one space for each guest room.
- i) Industry: One space for each two (2) employees, computed on the largest number of persons employed at any period during day or night.
- j) Motels: One space for each three (3) employees plus one space for each accommodation.
- k) Offices:
  - i) Medical - one space for each two hundred (200) square feet of floor space.
  - ii) Other professional - one space for each three hundred (300) square feet of floor space
  - ii) General - one space for each three hundred (300) square feet of floor space
- l) Places of public assembly: One space for each three (3) seats in the principal assembly room or area.
- m) Recreation and amusement areas without seating capacity: One space for each four (4) customers, computed on maximum service capacity.
- n) Restaurants: One space for each three (3) employees, plus one space for each fifty (50) square feet of floor space devoted to patron use.
- o) Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.
- p) Schools: High schools require one space for each faculty member, plus one space for each four (4) pupils. Elementary and junior high schools require four (4) spaces for each classroom.
- q) Mobile home parks: Two spaces for each mobile home.
- r) Wholesale business: One space for each two (2) employees based on maximum seasonal employment.
- s) If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted the board of zoning appeals may permit such space to be provided on

other off street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any matter.

- t) Extension of parking space into a residential district: Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that:
  - i) The parking space adjoins a commercial or industrial district
  - ii) Has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and
  - iii) Is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the Building Inspector.
- 3) Off-street loading and unloading space. On every lot on which business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:
  - a) Retail business: One space of at least 12 X 25 feet for each three hundred thousand (3,000) square feet of floor area or part thereof.
  - b) Wholesale and industrial: One space of at least 12 X 50 feet for each ten thousand (10,000) square feet of floor area or part thereof.
  - c) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.
- 4) Vision clearance. In all districts except the B-2 Central Business District, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.
- 5) Mobile home. The use of a trailer or mobile home as a principal building in other than an approved mobile home park is prohibited.
- 6) Ingress and egress. A plan for adequate and safe ingress and egress for all land uses shall be required.
- 7) Apartments and condominiums. An apartment project is defined as any group of two (2) or more buildings to be constructed on one (1) parcel of land. A condominium (condo) is one defined as a comprehensive residential or commercial development where project design does not include standard street, lot and subdivision arrangement, and where shares, property, or units are to be sold. Apartments or condo projects may be allowed upon review and approval by the Church Hill Planning

Commission provided that the following are met:

- a) Basic requirements.
  - i) A site plan showing the location of proposed buildings, roads, drives, parking utilities, drainage, and any other information necessary for review must be presented to the planning commission.
  - ii) The planning commission should not approve a use prohibited, or a smaller lot area per family than the minimum required, or a graded height, or a larger lot coverage than permitted in the district where the project is located without good cause shown.
  - iii) When property is subdivided for the purpose of selling either proposed or existing townhouses, duplexes or similar housing units, the following requirements apply; side yard setbacks will not be required where housing units connect at property lines and road frontage requirements may be reduced.
- b) Development standards.
  - i) All common driveways and parking areas for apartments and condo's must be paved with hot asphalt or concrete. A compacted base course four (4) inches deep shall be installed as specified in section 303 Standard Specifications for Roads and Bridge Construction, Tennessee Department of Highways latest version. A two (2) inch surface course of asphalt as specified under Section 411, Asphaltic Concrete Surface (hot mix) Grade E, mixed with sand Standards Specifications for Road or Bridge Construction, Tennessee Department of Highways latest version is required. A four (4) inch surface coarse of concrete may be used as an alternative to two (2) inches of asphalt.
  - ii) A planted buffer strip shall be provided along side and rear lot lines. The planning commission may waive this requirement if the adjoining property is vacant, has a natural buffer, etc.
  - iii) Apartments and PUDs must be final graded and seeded.
- c) Approval requirements.
  - i) A plat for the conversion of rental units to condos must be approved by the Church Hill Planning Commission. A copy of the condo agreement providing for the maintenance of common areas drafted by an attorney must be submitted.
  - ii) Design approval and final approval by the planning commission shall be required before any condo units can be sold. Also, apartment units shall have all improvements completed before any units are occupied. Projects may be developed in stages, but a design plan must be approved for the whole project. Each stage will be given final approval once all improvements have been made. A

partial sale of some condo units or partial rental of some apartment units may be allowed by the planning commission with the reason documented in the minutes. Letters of credit or bonds may be approved by the planning commission to cover the cost of improvements not completed for condos or apartments by the planning commission with the reason documented in the minutes.

8) Communication facilities. (a) Communication towers for mobile telephone services and other radio and television services which provide for the needs of the citizens of the municipality will use the following standards, to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice, through engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed.

a) Communication towers for mobile telephone services and other radio and television services which provide for the needs of the citizens of the municipality will use the following standards, to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice, through engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed.

i) Application for a building permit for such communication facility shall include:

A) A report prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, which demonstrates the tower's compliance with applicable structural standards, building codes, electrical codes, and fire codes; and describes the tower's capacity, including the number and type of antennas it can accommodate. In case of an antenna mounted on an existing structure, the report shall indicate the existing structure's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures, couplings and the precise point of attachment shall be indicated.

B) An adequate report inventorying existing towers and antenna sites within a reasonable distance from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the

proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:

- 1) Unwillingness of the owner to entertain a cellular telephone facility proposal;
- 2) The equipment would exceed the structural capacity of the existing approved tower and facilities;
- 3) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
- 4) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
- 5) Other reasons make it impractical to place the equipment proposed by the applicant on existing and approved towers or facilities.

C) A site plan shall be approved by the Church Hill Regional Planning Commission prior to the building inspector issuing a permit.

9) The following standards shall be used in design of the facilities:

- a) Setback - Minimum setback shall be twenty percent (20%) of tower height or equal to the existing zoning district, whichever is greater. Setback shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. Ground structures shall not be located within required setbacks;
- b) Landscaping and screening - The visual impact of a telecommunication facility shall be mitigated from nearby views by an evergreen screen located outside the fence. This screen may consist of evergreen trees having a minimum height of six feet (6) at planting and a minimum height of fifteen feet (15) at maturity, or a continuous hedge with three feet (3) height at planting and six feet (6) height at maturity. Sites may be exempted from the landscaping requirement provided the building inspector finds the vegetation or the topography of the site provides a natural buffer.
- c) Fencing - A chain-link fence or solid wall not less than eight (8) feet in height from finished grade shall be provided around each communication facility. Access to the facility shall be through a locked gate.
- d) Lighting - The facility shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. All lighting shall be oriented inward so as not to

project into surrounding property.

- e) Radiation standards - All proposed communications facilities shall comply with current standards of the Federal Communications Commission or American National Standards Institute for non-ionizing electromagnetic radiation (NEIR) and electro-magnetic fields (EMF). Each request for a building permit shall be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.
  - f) Aircraft hazard - Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
  - g) Equipment storage - Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site unless repairs are being made.
  - h) Removal of obsolete or unused facilities - All obsolete or unused communications facilities shall be removed by the property owner within twelve (12) months of cessation of use. The applicant shall submit an executed removal agreement to ensure compliance with this requirement.
  - i) Signs and advertising - The use of any portion of a tower for signs or advertising purposes, including banners, streamers, etc. is prohibited. Warning signs or identification signs will be permitted
  - j) Maintenance - Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and prevent dangerous conditions occurring on the site.
  - k) Access and parking - All access roads and parking areas for facilities adjacent to platted subdivisions, or developed areas shall be paved as required by the zoning ordinance and subdivision regulations. The requirements may be waived by the building inspector for rural or undeveloped areas.
  - l) Changes to communication facilities - Any changes to antennae, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.
- 10) Site plan review. In order to maintain the aesthetic characteristics of the community and protect the safety and welfare of its citizens, site plans shall be required for all proposed developments, excepting single-family and two-family structures on individual lots that are not part of a planned unit development. Prior to being issued a building permit, final site plan approval by the planning commission shall be required, except that site

plans for additions to existing structures may be approved by the building inspector provided that access points for the development do not change, or no more than ten (10) parking spaces are required to be added to the sit

11) In order to provide flexibility for the developer while protecting existing property, the City of Church Hill provides for three (3) classifications of site plans, with varying requirements. The three are:

- a) Concept plan. Concept site plans shall contain the following information: location map including sufficient information to identify the property; boundaries of the property with dimensions; scale of the plan (1" to 40' or larger); existing and proposed zoning classification; zoning and land use of adjoining properties; north arrow; proposed driveways with dimensions; names and locations of public streets abutting the property; sizes and locations of proposed structures; locations of proposed landscape areas; name of the property owner; acreage of the property; tax map identification number or address of the property; date of the plan; proposed use; number of stories; total square footage of the proposed structures; locations of existing structures (identified by dashed lines if intended for removal); location and dimensions of parking and loading areas; table listing the numbers of parking and loading spaces required and the numbers proposed.
- b) Preliminary plan. Preliminary site plans shall contain the information as described for concept plans, as well as the following information: required setbacks; revision dates of plans (if applicable); sizes and locations of existing utilities; general sizes and locations of proposed utilities; dumpster/garbage collection area; paving material; and extent of proposed paving.
- c) Final plan. Final site plans shall be drawn and stamped by an architect, engineer, surveyor licensed in the State of Tennessee and shall contain the information as described for preliminary plans, as well as the following information: property lines with accurate bearings and dimensions; drainage plans sufficient to meet the requirements of chapter 3, Stormwater Management, Erosion and Sedimentation Control, of the Church Hill Municipal Code, (detailed on a separate sheet); locations of free-standing signs; accurate locations of proposed utilities and utility easements; note stating that exterior lights will be positioned or shielded in such a way that the minimum amount of light practicable spills onto adjacent properties and rights-of-way, or into the sky.
- d) Only the Church Hill Regional Planning Commission may amend a site plan which it has approved, except that amendments which fully

meet the requirements of the zoning ordinance may be approved by the city building inspector and/or planning staff representative without further action by the commission. If any question arises as to compliance, however, the plan shall be referred to the planning commission for action. Such amendments shall be of minor significance and shall generally relate to adjustments of previously approved plan features. Such amendments must meet the provisions of the zoning ordinance. Such amended plans shall also have written on them the exact changes made. Any plans that are amended through approval by the building inspector and/or the planning staff representative shall be presented to the planning commission at its next scheduled meeting and properly entered into the minutes.

- e) Approval of a preliminary site plan shall be effective for a period of twenty-four (24) months, during which time a final plan shall be filed and approved. Approval of a final plan shall be effective for a period of twenty-four (24) months, after which time the planning commission may require submission of a new final site plan. (2003 Code, § 11-406)

**14-407 Provisions governing use districts:**

- 1) Low-Density Residential Districts (R-1). The intent of the Low Density Residential District (R-1) is to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to accommodate individual and family private living needs. In order to achieve this intent, the following principal, accessory, special exception and prohibited uses are established:
  - a) Principal uses:
    - i) Single family detached dwellings;
    - ii) Customary general farming ordinarily engaged in within eastern Hawkins County;
  - b) Accessory uses:
    - i) One customary accessory building provided that it is located in the rear yard and not closer than five (5) feet to any property line. No principal or accessory structure, or combination thereof, shall cover more than thirty-five (35%) percent of any lot. If more restrictive conditions are contained in any deed or are imposed by any contractual arrangement in any subdivision, those more restrictive conditions shall take precedence.
  - c) Special exceptions, upon a finding by the board of zoning appeals

that the manner of use will be in harmony with the character of the district, will be substantially the same character of occupancy, and the intensity of land use is no higher and a standard of open space no lower than that permitted in the district generally:

- i) Customary home occupations accessory to a single-family residential dwelling provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than thirty percent (30%) of the total floor area of the principal structure is so used;
- ii) Commercial green houses, permanent commercial produce stands or similar agricultural uses of any kind accessory to customary general farming ordinarily engaged in within eastern Hawkins County.
  - a) One free-standing sign at or near the entrance of the greenhouse or produce stand. One sign erected flat against front facade, side facade or within eighteen (18) inches of the greenhouse or produce stand. (Ord. 19-493, December 2019)
- iii) Publicly owned buildings and uses, schools offering general education, and churches and other semi-public uses provided that;
  - A) The location of these uses shall first be reviewed and approved after having held a public hearing;
  - B) The buildings are placed not less than thirty (30) feet from the side and rear property lines;
  - C) There are buffer strips along side and rear property lines;
- d) Prohibited uses:
  - i) Residential other than single-family detached dwellings;
  - ii) Retail sales and services, wholesaling, offices, industrial and all other business uses than customary home occupations.
    - a) One free-standing sign at or near the entrance of approved building. One sign erected flat against front facade, side facade or within eighteen (18) inches of the approved building or any government sign as previously defined. (Ord. 19-494, December 2019)
  - iii) Concentrated commercial farming activities not ordinarily engaged in within eastern Hawkins County;
  - iv) Communication facilities.

2) Medium Density Residential District (R-2). It is the intent of this district to provide areas for single and condominium, to encourage development and

continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or condominium. In order to achieve the intent of the Medium Density Residential District (R-2), as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- a) Any use permitted in the R-1 Residential District;
  - b) Duplexes
  - c) Condominium dwelling units per § 14-406(7) Condominiums;
  - d) Funeral homes, fraternal organizations and clubs not operated for profit, offices for doctors, lawyers, dentists, architects, real estate agencies, and insurance agencies provided that:
    - i) They shall be located on designated arterial or collector streets;
    - ii) The building shall be placed not less than fifty (50) feet from all property lines;
    - iii) There is a planted buffer strip erected on the side and rear property lines.
  - e) Business or advertising signs are permitted for named duplexes, condominiums, funeral homes, fraternal organizations and clubs not operated for profit, offices for doctors, lawyers, dentists, architects, real estate agencies, and insurance agencies. Each organization or agency is permitted one free-standing sign and/or one sign erected flat against front or side of a building or within eighteen (18) inches thereof. Signs must be in harmony with the character of the district, adhere to setback requirements, and not contain any feature prohibited in Chapter 10 SIGNS. (Ord. 190493, December 2019)
- 3) Medium Density Residential District (R-3). It is the intent of this district to provide areas for single and multi-family dwellings, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the Medium Density Residential District (R-3) as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:
- a) Any use permitted in the R-2 residential district
  - b) Multi-family dwelling units per § 14-406(2) Apartments and Condominiums.
  - c) Day care centers.
- 4) Planned Unit Development District (R-4). It is the intent of this conditional rezoning district to allow, coordinate and regulate large scale or

comprehensive group developments which may not follow standard design practices. Planned Unit Developments (PUDs) will allow increased densities, the grouping of housing, open spaces and setbacks that are not traditional. It is the intent that the development will contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

a) Conditions for rezoning:

i) Ownership: All of the land contained within a proposed PUD must be owned at the time of application for rezoning by the same individual, corporation or legal entity.

ii) Preliminary site plan: At the time of application for rezoning to R-4 a site plan shall be submitted to the planning commission for preliminary approval. Said PUD design shall:

A) Not be incompatible with existing land use in the area,

B) Not be inconsistent with the goals and policies of the Church Hill comprehensive land use plan,

C) Be located on a major artery as defined in the Church Hill major road plan providing for adequate ingress and egress for traffic that will not create safety or traffic problems and

D) Provide adequate off-street parking and loading space.

E) Designate one free-standing sign at or near the entrance of the PUD. One sign erected flat against front facade, side facade or within eighteen (18) inches of each building or unit displaying name and/or number of the unit or building. These signs may contain any other information deemed necessary by emergency management services, the planning commission and/or the Board of Mayor and Alderman. (Ord. 19-493, December 2019)

iii) Minimum size: The minimum size that will qualify for PUD zoning will be five (5) acres.

iv) Permitted uses: The PUD district is primarily a single-family residential district with small percentages of the total land area within a PUD being available for multifamily as allocated by:

A. A minimum of fifty percent (50%) of the land area shall be for single-family residential development if multi-family development is proposed,

B. No more than twenty percent (20%) of the land area shall be used for multi-family development and said units shall not be located next to any adjacent pre-existing single-family residential

- units and
  - C. At least thirty percent (30%) of the land area, not including streets, shall be open space in common ownership of the PUD's homeowners association.
  - D. In no case shall development exceed seventy percent (70%) of the total land area.
  - v) Density: The gross density for a PUD shall not exceed twelve (12) units per acre
  - vi) Streets: All streets within the PUD shall be private and constructed to the specifications of Church Hill as to street widths, street grade, and construction standards.
  - vii) Utilities: All utilities shall be publicly owned and maintained and constructed to the specifications of Church Hill. They shall be located in designated utility easements not less than fifteen (15) feet wide
  - viii) Buffering/landscaping: The outer boundaries of the PUD will provide for a system of buffering the development from adjacent properties and must be approved by the planning commission.
- b) Preliminary site plan/zoning approval: The preliminary approval process shall commence with the submission of a request to the planning commission for a zone reclassification to R-4 and a preliminary site plan. Once approved by the planning commission, the city clerk shall submit the planning commission's positive recommendation for R-4 zoning to the Church Hill Board of Mayor and Alderman for a public notice, public hearing and final ordinance action to conditionally amend the official zoning map. Copies of the preliminary site plan shall be available for public review at city hall prior to and during the public hearing.

As a condition of the zoning action, failure of the developer to obtain final site plan approval, necessary permits, and start of construction within one (1) year of final ordinance approval by the Church Hill Board of Mayor and Alderman will:

- i) Void the planning commission's preliminary site plan approval and
  - ii) The zoning of the property will revert back to its original zone prior to the PUD request.
- c) Final site plan approval:
- i) Final site plan: After the zone reclassification has become

effective, the developer shall submit to the planning commission a detailed final site plan containing at a minimum:

- A) Outer property boundaries,
- B) Easements (utility and drainage),
- C) Any flood prone areas,
- D) Open space/common ownership areas,
- E) The location of all streets, their widths and grades,
- F) All utilities and their respective line sizes,
- G) Erosion control and drainage plans,
- H) The location of all structures by type,
- I) Information concerning building heights and set backs,
- J) A detailed buffering and landscape plan and
- K) Any other information required by the planning commission.

ii) Construction plans: The developer shall submit any construction plans requested by Church Hill prior to the construction of any improvements to assure compliance with construction standards. Upon the completion of utility improvements Church Hill will be provided as built drawings.

iii) Homeowners association: Together with the final site plan the developer shall submit a copy of the PUD's final homeowners' association documentation and restrictive covenants as part of the final approval process.

iv) Formal approval: Upon submission of the final site plan the planning commission must take action to formally approve or reject the plans. Failure for action by the planning commission on the site plan within thirty (30) days of the formal review will constitute automatic approval.

v) Recordation/records: After approval the developer shall submit the site plan and associated homeowner association and restrictive covenants to the office of the Hawkins County Register for recording. The Church Hill Building Official shall keep and maintain all information necessary to ensure that the PUD complies with the provision of this ordinance and conduct the necessary on-site inspections as warranted.

vi) Permits: It shall be the responsibility of the developer to obtain all necessary permits and comply with all other ordinances, regulations and codes applicable to the construction of this project.

d) Modifications: After securing final site plan approval from the planning commission, all development shall be in conformity with

the approved site plan with no adjustments or alternations. Any modification will require the submission of a new site plan to the planning commission for its approval.

5) Mobile Home Park District (R-5). It is the purpose of this district to provide exclusive areas for mobile homes which will be attractive and at a density which will prevent overcrowding, and have open space. In order to achieve the intent of the mobile home park district (R-5), as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- a) Any use permitted in the R-4 residential district.
- b) Mobile home parks provided that they conform to the requirements of the mobile home park ordinance of the City of Church Hill, Tennessee.
- c) Communication facilities are prohibited.
- d) Designate one free- standing sign at or near the entrance of the park. One sign erected flat against front facade, side facade or within eighteen (18) inches of each home or unit displaying name and/or number of the unit or home. These signs may contain any other information deemed necessary by emergency management services, the planning commission and/or the Board of Mayor and Alderman. (Ord. 19-493, December 2019)

6) Neighborhood Business Districts (B-1). It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the districts, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- a) Any use permitted in the R-3 residential district; (Ord. # 414, November 2005)
- b) Personal, business and professional services
- c) Drug Stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, and similar uses;
- d) Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines.
- e) Places of assembly.
- f) Business wall signs provided that all signs shall be erected flat against front or side of a building or within eighteen (18) inches thereof and be no larger than fifty (50) square feet; (Ord. #25-528, May 2025)

7) Central Business District (B-2). It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial development which does not lend itself to pedestrian traffic. In order to achieve the intent of the district, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:(Amended by Ord. No. 377, 02/18/03)

- a) Stores and shops conducting retail business, and any business permitted in the B-1 zone;
- b) Public and semi-public buildings and uses provided that public and semi-public buildings and uses shall first be reviewed by the Church Hill Regional Planning Commission.
- c) Parking lots and garages;
- d) Lodges and clubs;
- e) Restaurants;
- f) Hospitals, clinics, and nursing homes;
- g) Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersection of street lines.
- h) Funeral homes;
- i) Business wall signs provided that all signs shall be erected flat against front or side of a building or within eighteen (18) inches thereof and be no larger than fifty (50) square feet; or one (1) freestanding sign provided that it is less than fifty (50) square feet per side and no higher than twenty (20) feet.

(Ord. # 25-258, May 2025)

8) Arterial Business Districts (B-3). It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of these districts, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:(Amended by Ord. No. 377, 02/18/03)

- a) Any use permitted in B-2 Districts, except mobile homes
- b) Hotels and motels;
- c) Auto and mobile homes sales;
- d) Offices;
- e) Wholesale business, warehouses, storage yards, and buildings;
- f) Business wall signs provided that all signs shall be erected flat

against front or side of a building or within eighteen (18) inches thereof and be no larger than eighty (80) square feet; and one (1) freestanding sign provided that it is less than one hundred (100) square feet per side and no more high than twenty five (25) feet.

(Ord.# 25-528, May 2025)

9) Shopping Center Districts (B-4). It is the intent of this district to establish areas for concentrated retail business development. Uses which do not require a central location and create friction in the performance of function will be discouraged from this district. The requirements are designed to protect the essential characteristics of the district by promotion of retail business or businesses which serves the general public, and to discourage industrial and wholesale development. In order to achieve the intent of the B-4 Shopping Center District, as shown on the Zoning Map of Church Hill, Tennessee, the following uses are permitted:

- a) Shopping centers;
- b) Small professional offices and services may be allowed in a shopping center only by specific variance as recommended by the Planning Commission. The size and location of offices and service providers may be restricted if circumstances so warrant. (Amended by Ord. 274, 04/06/1995 and Ord. No. 374, 01/21/2003)
- c) Business wall signs provided that all signs shall be erected flat against front or side of a building or within eighteen (18) inches thereof and be no larger than eighty (80) square feet; and one (1) freestanding sign provided that it is less than one hundred (100) square feet per side and no higher than thirty-five (35) feet.

(Ord. # 25-528, May 2025)

10) Industrial Districts (M-1). (a) It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote, and encourage industrial, wholesaling, and business uses. In order to achieve the intent of the district, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:(Amended by Ord. No. 274, 04/06/1995)

1) Any use permitted in business districts except residences and mobile homes; (Amended by Ord. No. 257, 02/15/1994)

2) Uses Permitted Upon Review

1. Methadone Treatment Clinic or Facility, Substance Abuse Treatment Facilities (Ord. 09-434, 4/21/2009).

a) The consideration for approval by the Planning Commission of a methadone treatment facility

and substance abuse treatment facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.

- b) Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use of Review approval along with the license of the applicant, certificate of need, site plan, survey, or other information deemed reasonable by the Planning Commission for use in making a thorough evaluation of the proposal.
- c) The clinic or facility shall be located on and have access to a principal arterial street.
- d) Measurement shall be made in a straight line on the Church Hill Zoning Map from the nearest property line of the lot on which the methadone treatment clinic or facility and substance abuse treatment facility is situated to the nearest property line of the following uses:
  - i) The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, synagogue, mosque, mortuary, or hospital.
  - ii) The clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on-or-off premises consumption.
  - iii) The clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreation activity.
  - iv) The clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family amusement.
  - v) The site shall not be less than one thousand (1,000) feet of any residential dwelling at the time of

approval.

- vi) The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility and substance abuse treatment facility.(Ord. 25-528, May 2025)

3) Terminals

4) Wholesale Business

5) Warehouses

6) Storage yards and buildings and similar uses

7) Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Building Inspector, and the Church Hill Planning Commission.

a) Industry should not contribute to air, water, soil, or noise pollution.

b) All industrial site plans shall be submitted to the Church Hill

8) Planning Commission for review and approval.

Business wall signs provided that all signs shall be erected flat against front or side of a building or within eighteen (18) inches thereof and be no larger than one hundred (100) square feet; and one (1) freestanding sign provided that it is less than one hundred (100) square feet per side and no higher than thirty-five (35) feet.

**14-408 Minimum lot sizes for (R-1) through (R-5):**

District	Minimum Lot Area in sq. ft.	Minimum Area per Additional Housing Unit in sq. ft.	Maximum Number of Housing Units per Acre	Housing Units per Second Acre	Minimum Lot Width in feet at Building Setback Line	Minimum Front Setback in Feet	Minimum Side Setback (each side) in Feet	Minimum Rear Setback in Feet	Maximum Height of Structures in Feet
R-1	12,000	N/A	3.6	3.6	80	30	15	25	35
R-2	10,000	5,990	6.6	7.3	70	30	10	20	35
R-3	5,000	3,900	9.6	11.2	N/A	25	8 per story	20	35
R-4	10,000	2,890	12.6	15.1	70	30	8 per story	20	35
R-5	10,000	2,890	12.6	15.1	70	30	8 per story	20	35
B-1	10,000*	2,890	12.6	15.1	70	30	10^	25	35
B-2	10,000*	2,890	12.6	15.1	70	30	10^	25	70
B-3	10,000*	2,890	12.6	15.1	70	30	10^	25	70
B-4	N/A	N/A	N/A	N/A		30	10	25	70
M-1	N/A	N/A	N/A	N/A		30	20	25	70

# See 14-405, Section C of the Zoning Ordinance

\*Applies only to residential dwelling units

^For residential uses, side setbacks are eight (8) feet per story in B-1 through B-3 zones (2003 Code, § 11-408)

(Amended by Ord.# 23-509, April 2023)

### **14-409 Exceptions and modifications.**

- 1) Lot of record. Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of this chapter does not own sufficient land to enable him to conform to the yard or other requirements of this chapter, an application may be submitted to the board of zoning appeals for a variance from the terms of this chapter, in accordance with § 14-411(4)(c). Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as close as is possible in the opinion of the board of zoning appeals.
- 2) Front yards. The front yard requirements of this chapter for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.
- 3) Group housing project. In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground of at least one (1) acre not subdivided or where the existing or contemplated street and lot layouts make it impractical to apply the requirements of this chapter to the individual building units in such housing projects, the application of the terms of this chapter may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use is no higher and a standard of open space no lower than that permitted by this chapter in the district in which the proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this chapter permit in such district.
- 4) Exception of height limits. The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyers, flag poles, radio towers, mast and aerials. (2003 Code, § 11-409)

#### **14-410 Enforcement:**

- 1) Enforcing officer. The provisions of this chapter shall be administered and enforced by a building inspector appointed by the mayor and approved by the board of mayor and aldermen, who shall have the power to make

inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance

2) Building permits and certificates of occupancy.

- a) Building permit required. It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a building permit for such work. No connection to any utility shall be made by any individual or corporation until the issuance of a building permit.
- b) Issuance of a building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether proposed excavation or construction as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the City of Church Hill, then in force. The building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing, with the cause.
  - i) The issuance of a permit shall in no case be construed as waiving any provision of this chapter.
  - ii) A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
- c) Certificate of occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this chapter. Within five (5) days after notification that a building or premises or part thereof, is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof, and the proposed use thereof are found to conform with the provisions of this chapter; or, if such certificate is refused, to state such refusal in writing with the cause
- d) Records. A complete record of such application, sketches, and plans

shall be maintained in the office of the building inspector.

- 3) Penalties. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) dollars nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.
- 4) Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land. (2003 Code, § 11-410)

#### **14-411 Board of zoning appeals:**

- 1) Creation and appointment. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, title 13. The Church Hill Planning Commission is hereby designated as the board of zoning appeals. It shall be appointed by the mayor of the city and confirmed by the majority vote of the board of mayor and aldermen. The term of individual membership shall be concurrent with appointment on the church hill planning commission.
- 2) Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record.
- 3) Appeals: how taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.
- 4) Powers. The board of zoning appeals shall have the following powers:
  - a) Administrative review. To hear and decide appeals where it is

alleged by the appellant that there is error in any order, requirements, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this chapter.

- b) Special exceptions. To hear and decide applications for special exceptions upon which the board of zoning appeals is specifically authorized to pass § 14-404(2)(b); § 14-406(1)(b); § 14-407(3)(b); § 14-408.
- c) Variance. To hear and decide applications for variance from the terms of this chapter, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this chapter was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions on a piece of property the strict application of the provisions of this chapter would result in exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance as specifically authorized in 14-409(1) and (3).
  - i) In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this chapter.
  - ii) Before any variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. (2003 Code, § 11-411)

**14-412 Amendment:**

- 1) Procedure. The board of mayor and aldermen may amend the regulations, boundaries, or any provision of this chapter. Any member of the city board may introduce such amendment, or any official, board, or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this chapter.
- 2) Approval by planning commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor

disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

- 3) Introduction of amendment. Upon the introduction of an amendment to this chapter or upon the receipt of a petition to amend this chapter, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Church Hill, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice. An appropriate sign shall be erected on the property that would be affected by the proposed change.
- 4) Any request for rezoning property located within city boundaries shall be accompanied by a non-refundable fee in an amount to be set by the board of mayor and aldermen by resolution. (2003 Code, § 11-412)

## **CHAPTER 5**

## **MOBILE HOME PARKS**

### **SECTION**

14-501 Purpose of regulations; permit required for construction, alteration, etc.

14-502 Definitions

14-503 Procedures for park approval

14-504 Minimum design standards

14-505 Permits and park operation

14-506 Enforcement

**14-501 Purpose of regulations; permit required for construction, alteration, etc.:** The regulations as herein set forth have been made in accordance with a comprehensive planning program for the purpose of promoting the health, safety, morals, and general welfare of the community. The regulations have been designed to lessen congestion, secure safety from fire, panic and other danger, provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate adequate provision for public facilities such as transportation , water, sewerage, parks, schools, and other public requirements.

It shall be unlawful for any person, firm, or corporation to construct, alter, or extend a mobile home park unless it is a permitted use within the zoning district and a valid permit is issued by the building inspector in the name of such person, firm, or corporation for the specific construction, alteration, or extension proposed. (2003 Code, § 11-501)

### **14-502 Definitions:**

- 1) "Mobile home." A detached, single family unit with all of the following characteristics:
  - a) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
  - b) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels;
  - c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliance and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.
  
- 2) "Mobile home park" shall mean any plot of ground containing a

minimum of five (5) acres upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

- 3) "Buffer strip" shall mean a plant material or other material as may be required by the Church Hill Regional Planning Commission which shall provide an immediate screen of not less than five (5) feet with the use of plant materials or not less than six (6) feet with the use of other materials.
- 4) "Health officer" shall mean the health officer of Church Hill, Tennessee, or his authorized representatives.
- 5) "Building inspector" shall mean the building inspector of Church Hill, Tennessee, or his authorized representative.
- 6) "Plumbing inspector" shall mean the plumbing inspector of Church Hill, Tennessee, or his authorized representative.
- 7) "Electrical inspector" shall mean the electrical inspector of Church Hill, Tennessee, or his authorized representative.
- 8) "Lot area." The total area reserved for exclusive use of the occupants of a mobile home.
- 9) "Lot line." A line bounding the lot as shown on the accepted plot plan.
- 10) "Permit." A written document issued by the enforcing agent permitting the construction, alteration, or expansion of a mobile home park.
- 11) "Accessory structure." Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, storage cabinets, and similar appurtenant structures.
- 12) "Permanent building." A building, except a mobile home, or accessory structure.
- 13) "Private drive." A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.
- 14) "Public street." A public way which affords the principal means of access to abutting properties.
- 15) "Shall" indicates that which is required. (2003 Code, § 11-502)

**14-503 Procedures for park approval:**

- 1) Early consultation with planners. The owner or lessee of the land parcel proposed to be used as a mobile home park shall consult early and informally with the Church Hill Planning Commission and its technical staff for advice and assistance prior to the preparation of the park plan and its formal application for approval. This procedure will enable the owner or lessee to become thoroughly familiar with park regulations, other zoning regulations, and comprehensive plan elements which might affect the area.
- 2) Submitting of plan. At least ten (10) working days prior to the planning commission meeting at which the park is to be considered for approval, the developer shall submit two (2) copies of the proposed park to the commission's technical staff.
- 3) The general plan. The plan shall meet the minimum design standards as set forth in § 11-504 and shall give the following information:
  - a) Name and location of the park;
  - b) Name(s) and address(es) of the developer or developers and the name of the designer of the park who shall be a surveyor or engineer approved by the planning commission;
  - c) Shall be drawn to a scale showing dimensions of the park with a datum, approximate north point, graphic scale, and acreage of land to be developed;
  - d) Shall denote the location of property lines, existing and planned streets, drives, and walkways, buildings, water courses, culverts, drain pipes, public utility easements, water mains;
  - e) A plan for storm water drainage;
  - f) A plan of proposed utilities - water, sanitary sewers, gas, and electricity;
  - g) A plan for recreation and open space;
  - h) A plan for refuse disposal;
  - i) A lighting plan;
  - j) A certificate of accuracy signed by the surveyor or engineer;
  - k) Certificates of appropriate approval with signatures of the health officer and the building, plumbing, and electrical inspectors;
  - l) A certificate for planning commission approval;
  - m) Any other pertinent information as may be required by the planning commission. (2003 Code, § 11-503)

**14-504 Minimum design standards:**

- 1) General.
  - a) A mobile home park shall be located only within the R-5 Mobile Home Park Districts.

- b) The condition of soil, drainage, and topography shall not create hazards.
  - c) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage, or other adverse influences.
- 2) Recreation and open space. Common areas for recreation and leisure time pursuits shall be provided in a centralized location.
- a) The amount of open space area shall be a minimum of five hundred (500) square feet per mobile home lot.
  - b) Large parks may, at the discretion of the planning commission, decentralize open space areas in order to adequately service all residents.
  - c) Buffer strips. The planning commission may require buffer strips along the boundary lines of the park.
  - d) Any part of the park area that is not utilized for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and other similar landscaping materials.
- 3) Density.
- a) The mobile home park shall not contain more than ten (10) mobile home spaces per gross acre, provided, however, all other standards are met.
  - b) Each mobile home space shall have a minimum depth of seventy-five (75) feet.
  - c) Each mobile home space shall abut a driveway with unobstructed access to an open, approved, public street.
  - d) Each mobile home shall be set back a minimum of twenty-five (25) feet from all property lines and street rights-of-way.
  - e) There shall be a minimum distance of twenty (20) feet between mobile homes.
  - f) There shall be a minimum distance of ten (10) feet between a mobile home and the abutting park drive.
- 4) Streets, drives, walkways and parking. (a) All mobile home parks shall be provided with safe and convenient access from abutting public streets to each mobile home space.
- a) All mobile home parks shall be provided with safe and convenient access from abutting public streets to each mobile home space.
  - b) All drives, walkways, and parking areas shall have a minimum of a double bituminous surface with an adequate base.
  - c) Pavement widths shall be twenty-four (24) feet for entrance drives and collector drives and twenty (20) feet for minor drives
  - d) Each mobile home park shall provide one and one half ( $\frac{1}{2}$ ) parking

spaces for each mobile home space.

- e) Parking spaces shall be located for convenient access to mobile home units.
  - f) Where practicable, a minimum of one parking space shall be located on each mobile home lot with the remainder located in adjacent parking bays.
- 5) Service buildings.
- a) Service buildings shall be of permanent construction and meet all codes and ordinances.
  - b) Service buildings shall be convenient to the mobile home spaces which they solely serve.
  - c) The service buildings shall be maintained in a clean and sanitary condition.
- 6) Utilities.
- a) The mobile home park water distribution system shall be connected to the public water supply system.
  - b) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of type and location approved by the state health department.
  - c) Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.
  - d) An adequate and safe sewerage system shall be required for conveying and disposing of all sewage. Wherever feasible, a connection shall be made to the public sewerage system.
  - e) The sewerage system shall be designed and constructed in accordance to state and local laws and approved by the Tennessee Department of Public Health.
  - f) Each mobile home space shall be provided with a four (4) inch diameter sewer riser pipe. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent, and durable with a smooth inner surface. Provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the space.
  - g) Where the sewer lines of the mobile home park are not connected with the public sewerage system, the county health department shall approve all proposed sewage facilities.
  - h) Solid waste collection stands shall be provided for all waste containers.
  - i) All electrical installations shall be designed and constructed in accordance with the electrical code of the City of Church Hill as

approved by the Holston Electric Cooperative.

- j) All gas equipment and installations within the park shall meet the minimum requirements of the gas code of the City of Church Hill.
- 7) Guarantee in lieu of completed improvements.
- a) No mobile home park plan shall be approved by the planning commission until all required improvements are constructed in a satisfactory manner. However, in lieu of completed construction of all improvements, the planning commission may recommend that a cash bond in an amount equal to the estimated cost of installation of required improvements be submitted.
  - b) If a bond is submitted, it must first be approved by the board of mayor and aldermen.
  - c) The bond shall be due within six (6) months from submission.
  - d) The board of mayor and aldermen may instruct the building inspector to issue a six (6) month temporary park operating permit when sufficient improvements are installed to allow safe and adequate facilities to mobile home park residents. (2003 Code, § 11-504)

#### **14-505 Permits and park operation:**

- 1) Permits
  - a) All mobile home park operators shall be required to obtain an annual operating permit. The issuance of the operating permit shall be contingent upon inspection and approval of the park by the health officer or his authorized representative and the building inspector.
  - b) It shall be unlawful for any person to maintain or operate a mobile home park within the corporate limits of Church Hill unless he owns a valid permit issued by the building inspector.
  - c) Building, plumbing, electrical or other such construction permits shall not be issued for the installation of a mobile home park prior to the submission of the park plan and its tentative approval by the Church Hill Planning Commission.
  - d) Following the approval of a mobile home park plan by the planning commission, the installation of improvements to the satisfaction of the planning commission and a bond guaranteeing the completion of all improvements within a period of six (6) months, the board of mayor and aldermen may direct the building inspector to issue a temporary six (6) month park operating permit. The temporary park permit shall not be extended beyond the six (6) month period.
  - e) The annual operating permit fee shall be one dollar (\$1.00) for each

mobile home space to a maximum of seventy-five (\$75.00) dollars.

2) Park operation

- a) The park management shall maintain a register containing names, addresses, and automobile license numbers of all park residents. Such register shall be made available to any authorized person inspecting the mobile home park.
- b) The park management shall notify park residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under the chapter. (2003 Code, § 11-505)

**14-506 Enforcement:**

- 1) The regulations contained in this chapter shall be enforced by the building inspector of the city.
- 2) Any person or organization who shall fail to comply with or violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) for each violation thereof. Each day a non-complying condition exists constitutes a separate and distinct violation to the above-noted penalty. (2003 Code, § 11-506)

**CHAPTER 6**

## FLOODPLAIN REGULATIONS

### SECTION

- 14-601 Statutory authorization, findings of fact, purpose and objectives
- 14-602 Definitions
- 14-603 General provisions
- 14-604 Administration
- 14-605 Provisions for flood hazard reduction
- 14-606 Variance procedures
- 14-607 Legal status provisions (Ord. 24-520, May 2024)

### **14-601 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 Church Hill, Tennessee, Mayor and Board of Aldermen, do ordain as follows:
- 2) Findings of fact.
  - a) The City of Church Hill, Tennessee, Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, § 60.3.
  - b) Areas of the City of Church Hill, 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 ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance 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 floodwaters or which may increase flood hazards to other lands.
- 4) Objectives. The objectives of this Ordinance 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.

**14-602 Definitions:**

- 1) "Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, 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 Ordinance 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 or greater annual chance of flooding to an average depth of one to three feet 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 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) "Base Flood Elevation" (BFE). The elevation of surface water resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, ARIA, AR/AE, AR/A1-A30, AR/AHs AR/AO, V1-V30, and VE.
  - 9) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.
  - 10) "Building" see "Structure".
  - 11) "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.

- 12) "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.
- 13) "Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.
- 14) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.
- 15) "Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.
- 16) "Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.
- 17) "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.
- 18) "Existing Structures" see "Existing Construction".
- 19) "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- 20) "Flood" or "Flooding" A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a) The overflow of inland or tidal waters.
  - b) The unusual and rapid accumulation or runoff of surface waters from any source.
  - c) Mudslides (i.e., mudflows) which are proximately caused by

flooding as defined in paragraph (1)(d) 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. (Ord 24-520, May 2024)

- d) 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)(1) of this definition.(Ord 24-520, May 2024)
- 21) "Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- 22) "Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.
- 23) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.
- 24) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.
- 25) "Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.
- 26) "Floodplain" or "Floodprone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").
- 27) "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- 28) "Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood

hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

- 29) "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.
- 30) "Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.
- 31) "Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- 32) "Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.
- 33) "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.
- 34) "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.
- 35) "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or

related manufacturing facilities.

- 36) "Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.
- 37) "Historic Structure" means any structure that is:
- a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - d) Individually listed on the City of Church Hill, 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.
- 38) "Letter of Map Change (LOMC)" means an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- a) "Letter of Map Amendment (LOMA)" An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.
  - b) "Conditional Letter of Map Revision Based on Fill (CLOMR-F)" A determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

"Letter of Map Revision Based on Fill (LOMR-F)" A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

"Conditional Letter of Map Revision (CLOMR)" A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.

"Letter of Map Revision (LOMR)" Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

"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.

"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.

"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 Ordinance.

"Manufactured Home" means a structure, transportable in one 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".

- 39) "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- 40) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.
- 41) "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 Ordinance, 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.

- 42) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.
- 43) "New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.
- 44) "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.
- 45) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.
- 46) "100-year Flood" see "Base Flood".
- 47) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
- 48) "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.
- 49) "Recreational Vehicle" means a vehicle which is:
  - a) Built on a single chassis;
  - b) 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.

- 50) "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.
- 51) "Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.
- 52) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- 53) "Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent 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.
- 54) "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.
- 55) "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 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.

- 56) "State Coordinating Agency" 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.
- 57) "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.
- 58) "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.
- 59) "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 (i) the appraised value of the structure prior to the start of the initial improvement, or (ii) in the case of substantial damage, the value of the structure prior to the damage occurring. The term does not, however, include either:
- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;
  - b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- 60) "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.
- 61) "Variance" is a grant of relief from the requirements of this Ordinance.
- 62) "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 Ordinance is

presumed to be in violation until such time as that documentation is provided.

- 63) "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.

*Definitions #38 thru #63 amended by Ord.24-520, May 2024*

**16-403 General Provisions:**

- 1) Application This Ordinance shall apply to all areas within the incorporated area of the City of Church Hill, Tennessee.
- 2) Basis for Establishing the Areas of Special Flood Hazard The Areas of Special Flood Hazard identified on the City of Church Hill, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47073CIND0D, 47073C0095D, 47073C0115D, 47073C0260D, 47073C0280D, and 47073C0285D dated July 3 2006, and Panel Number(s) 47073CIND0E, 47073C0116E and 47073C0120E dated June 6 2024, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance. (Ord 24-520, May 2024)
- 3) Requirement for Development Permit. A development permit shall be required in conformity with this Ordinance 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 Ordinance and other applicable regulations.
- 5) Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail
- 6) Interpretation. In the interpretation and application of this Ordinance, 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 Ordinance 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 Ordinance 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 Ordinance shall not create liability on the part of the City of Church Hill, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

- 8) Penalties for Violation. Violation of the provisions of this Ordinance 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 Church Hill, Tennessee from taking such other lawful actions to prevent or remedy any violation. (2003 Code annotated 11-603, as replaced by Ord. 13-459, April 2013)

**14-604 Administration:**

- 1) Designation of Ordinance Administrator. The (Building Official or his designee is hereby appointed as the Administrator to implement the provisions of this Ordinance.
- 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 Ordinance.
    - 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 Ordinance.

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 14-605(1) and (2).

iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b) 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: (Ord 24-520, May 2024)

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators (Ord 24-520, May 2024)

- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services. (Ord 24-520, May 2024)

- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs. (Ord 24-520, May 2024)

- 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. (Ord 24-520, May 2024)

3) Construction Stage. (Ord 24-520, May 2024)

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.

- 4) 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. (Ord 24-520, May 2024)
- 5) Duties and Responsibilities of the Administrator (Ord 24-520, May 2024)  
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 Ordinance 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. 1334.

- 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 FIRM's 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 §14-604, (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 §14-604, (2). (Ord 24-520, May 2024)
- 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 §14-604, (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 Ordinance.
- j) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Church Hill, Tennessee FIRM meet the requirements of this Ordinance.
- k) Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited

retrieval within combined files.

- 1) A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-22-152, formerly 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 2 photographs showing the front and rear of the building taken within 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 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 3" × 3". Digital photographs are acceptable. (Ord 24-520, May 2024)

**14-605 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 Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
  - j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, 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. 1334;
  - l) All subdivision proposals and other proposed new development proposals shall meet the standards of §14-605, (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 14-605, (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 (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

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 (3) feet above the highest adjacent grade (as defined in §14-602(1)). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

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 floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

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 (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

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 §14-605, (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 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 (1) foot 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 §14-605,(2).
- d) Standards for Manufactured Homes and Recreational Vehicles
  - i) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) 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 (1) foot 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 (3) feet in height above the highest adjacent grade (as defined in §14-602).

iii) Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of §14-605 (1) and (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 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.

e) 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 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (see § 14-605(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 Article III, Section B, 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; (Ord 24-520, May 2024)
- b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, floodway width or base flood discharge provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12. (Ord 24-520, May 2024)
- c) ONLY if, §14-605,(3), provisions (a) through (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of §14-605, (1) and (2). (Ord 24-520, May 2024)

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 §14-603,(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 (1) foot at any point within the community. (Ord 24-520, May 2024)
  - 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) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12. (Ord 24-520, May 2024)
  - c) ONLY if §14-605, (4), provisions (a) through (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of §14-605, (1) and (2). (Ord 24-520, May 2024)
- 5) Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)(Ord 24-520, May 2024)

Located within the Special Flood Hazard Areas established in § 14-603(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 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of §14-605, (1) and (2).
- b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 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 (3) feet above the highest adjacent grade (as defined in §14-602). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-604,(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of §14-605, (2). (Ord 24-520, May 2024)

- 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 (1) foot at any point within the City of Church Hill, 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 §14-605, (1) and (2). Within approximate A Zones, require that those subsections of §14-605,(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) (Ord 24-520, May 2024)

Located within the Special Flood Hazard Areas established in § 14-603(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to those set forth §14-605, (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 (1) foot above the highest

adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified. (Ord 24-520, May 2024)

- b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in §14-605,(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 §14-604, (2)(a)(ii) and §14-605,(2)(b). (Ord 24-520, May 2024)
  - 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 §14-603, (2), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of §14-605, (1) and (2), all new construction and substantial improvements shall meet the following requirements: (Ord 24-520, May 2024)
- a) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures. (Ord 24-520, May 2024)
- 8) Standards For Areas Protected by Flood Protection System (A-99 Zones) Located within the Areas of Special Flood Hazard established in §14-603,(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 §14-604 and §14-605 shall apply. (Ord 24-520, May 2024)
- 9) Standards for Unmapped Streams Located within the City of Church Hill, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply: (Ord 24-520, May 2024)
- 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 (1) foot at any point within the locality. (Ord 24-520, May 2024)

- 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. §14-604 and §14-605. (Ord 24-520, May 2024)
- c) ONLY if §14-605, (9), provisions (a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of §14-605, (1) and (2). (Ord 24-520, May 2024)

#### **14-606 Variance procedures:**

##### **1) Municipal Board of Zoning Appeals**

- a) Authority The City of Church Hill, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 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 legislative body.
- 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 Ordinance. 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 \$50.00 dollars 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 (30) 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 Ordinance.
  - ii) Variance Procedures: In the case of a request for a variance the following shall apply:
    - A) The City of Church Hill, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
    - 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 Ordinance 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 Ordinance, and:
      - 1) The danger that materials may be swept onto other property to the injury of others;
      - 2) The danger to life and property due to flooding or erosion;
      - 3) The susceptibility of the proposed facility and its contents to flood damage;
      - 4) The importance of the services provided by the proposed facility to the community;
      - 5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
      - 6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
      - 7) The relationship of the proposed use to the

comprehensive plan 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 Ordinance, 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 Ordinance.

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 Article VI, Section A.
- 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 \$25 for \$100) 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.

**14-607 Deleted** (2003 code annotated 11-607, as deleted by Ord. 13-459,

April 2013)

**14-607 Legal status provisions** (Ord 24-520, May 2024)

- 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 Church Hill, 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.
- 3) Effective Date This Ordinance shall become effective on June 6, 2024, in accordance with the Charter of the City of Church Hill, Tennessee, and the public welfare demanding it.

## OFF-SITE DRAINAGE

### SECTION

14-701 Purpose

14-702 Off-site drainage plan required

14-703 Review by city engineer and planning commission approval.

14-704 Construction of drainage facilities in accordance with approved off-site drainage plan

14-705 Alternate method for payment of construction costs for off-site drainage facilities.

14-706 Engineers report to city.

**14-701 Purpose:** Whenever the construction of a subdivision, development or improvement may cause, contribute, or add to existing or proposed surface water runoff drainage (facilities other than those required to provide internal drainage within such construction) such sub-divider, developer or improver shall be required to follow the sections hereinafter appearing. (2003 Code, § 11-701)

**14-702 Off-site drainage plan required** Each sub-divider, developer, or improver shall submit to the Church Hill Regional Planning Commission in triplicate an off-site drainage plan which shall be based upon the national method of run-off calculation and the ten-year storm frequency. (2003 Code, § 11-702)

**14-703 Review by city engineer and planning commission approval.** After receiving a recommendation from the city engineer, the planning commission shall approve or disapprove said plan. In the event of disapproval, the planning commission shall state its reasons therefore to the applicant. The planning commission shall include the following in any approval of off-site drainage plans:

- 1) The off-site drainage plan must be approved by the planning commission prior to the approval of any final subdivision plan.
- 2) The off-site drainage plan must route the storm water run off to an existing or natural water course in such a manner as to prevent damage to downstream property owners
- 3) A natural or existing water course is defined herein as one where the water has been accustomed to gather and/or flow a well-defined channel which frequent running has worked or cut into the soil.
- 4) The applicant (landowner) shall have the responsibility of securing at no cost to the city such necessary perpetual drainage easements to effectuate

the approved plan.

- 5) The planning commission may require the applicant (landowner) to post a bond with good and sufficient surety to assure completion of the plan.
- 6) The planning commission may impose such other reasonable conditions upon the approval of the plans as recommended by the city engineer. (2003 Code, § 11-703)

**14-704 Construction of drainage facilities in accordance with approved off-site drainage plan.** The applicant (landowner) shall construct the said off-site drainage facilities in accordance with the plans and specifications and pay for all of the other cost of off-site drainage facilities or so much thereof as the city engineer shall direct. (2003 Code, § 11-704)

**14-705 Alternate method for payment of construction costs for off-site drainage facilities.** As an alternative method of payment for the cost of off-site drainage facilities, the sub-divider, developer, or improver may:

- 1) Contribute his pro-rata share of local funds expended for construction of off-site drainage facilities or contribute his pro-rata share of local funds estimated to pay for the construction of off-site drainage facilities that controls storm water flow in a designated area or the acquisition of property needed for the addition of such facilities. Local funds do not include funds received by the city from federal or state government grants.
- 2) The pro-rata share to be contributed by the subdividers, developers and improver shall be calculated as follows:
- 3) Drainage areas shall be designated by the planning commission in accordance with sound engineering principles, upon recommendation by the city engineer.
- 4) Off-site drainage facilities needed to properly control present and anticipated storm water flow in such areas designed by the city engineer in accordance with sound engineering principles taking into consideration (among other things) the zoning and zoning patterns of the subject drainage area, the duration and frequency of rainfall in such area during a storm return period of ten (10) years using U.S. Department of Commerce curves and statistics and suitable run-off coefficients as determined by the city engineer for the different types of zoning in such areas.
- 5) The total cost of such off-site facilities (including land or easement acquisition and any other incidental costs) shall be estimated by the city engineer based upon current prices plus a percentage of such cost rise over the ensuing five (5) years. Such cost rise estimate will be determined by the use of U.S. Department of Labor consumer price indices to project price

increase trends.

- 6) The design and estimated cost of such off-site drainage facilities shall be re-evaluated every five (5) years prior to construction. Any changes in cost estimates shall be reflected by either an increase or decrease in those pro-rata shares remaining to be paid. A rebate shall be made to those having already contributed their share if a decrease in pro rata share is calculated
- 7) A construction fund for each drainage area shall be established by the city to which pro-rata shares shall be contributed by the developer prior to final approval. Shares paid after construction for an off-site drainage facility shall be based upon actual cost and shall be paid to the city. A rebate shall be made to those developers having contributed prior to construction if the actual cost of construction is less than the previous estimate.
- 8) The pro-rata share of each developer or entity shall be calculated by estimating that portion of the total storm water run off using said off-site facilities which can be attributed to the subject developer taking into consideration the size and type of the proposed development, the amount of rainfall anticipated in said development and the appropriate run-off coefficients applicable thereto. The cost of enlarged or additional off-site drainage facilities, the need for which is created by actions taken by the sub-dividers, developers, or improver after cost estimates have been made by the city's engineer, shall be borne by such developer.
- 9) The pro-rata share for construction occurring in an area served by off-street drainage shall be calculated by estimating that portion of the total storm water run-off using said off-site facilities which can be attributed to the new construction taking into consideration the size and type of the proposed construction, the amount of rainfall anticipated in said development, the appropriate run-off coefficient thereto and the construction of such off-site drainage facility.
- 10) In determining the pro-rata share of costs between the developer and the city, the city will be responsible for upgrading any existing storm facilities which are owned and maintained by the City of Church Hill at the time of the formulation of the off-site drainage plan. It shall be presumed that such existing facilities will adequately carry storm water run-off from the area assuming no new development. It shall be the responsibility of the developer to pay the cost of improving existing storm water handling facilities to the point that such facilities are adequate to handle any and all additional flow which may occur as a result of the development plus any storm water flow occurring on the watershed which is directed into the existing storm water facilities as a result of the new development. (2003

Code, § 11-705)

**14-706 Engineers report to city.** Once the off-site drainage plans have been approved by the planning commission, the city engineer will provide the city an estimated cost of the improvements with a break-down of the pro-rata share(s) as described above. The city shall determine whether or not the proposed pro-rata costs are in order, and, if such costs are approved, will present these costs to the developer. The city will provide, whenever possible, labor and equipment for installation of storm drainage facilities as their pro-rata share of the cost. Hourly rates shall be based upon typical costs in the area and will be updated period

## **ILLICIT DISCHARGE AND ILLEGAL CONNECTION**

Chapter 8 (Ord. 15-471 deleted and replaced by Ord. 24-522, August 2024)

### **SECTION**

- 14-801 Short title
- 14-802 General Provisions
- 14-803 Applicability
- 14-804 Definitions
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- 14-826 Severability
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**14-801 Short title:** This Chapter shall be known as the “Illicit Discharge and Illegal Connection Ordinance of the City of Church Hill, Tennessee”.

**14-802 General provisions:** The purpose of this chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the City of Church Hill storm drain system to the maximum extent practicable as required by federal law. This chapter established methods for controlling the introduction of pollutants into the City of Church Hill storm drain system in order to comply with requirements of the National

Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are to:

- 1) Regulate the contribution of pollutants to the City of Church Hill storm drain system by any person;
- 2) Prohibit illicit discharge and illegal connections to the City of Church Hill storm drain system;
- 3) Prevent non-stormwater discharges, generated as a result of spills inappropriate dumping or disposal, to the City of Church Hill storm drain system; and
- 4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this chapter.

**14-803 Applicability:** The provisions of this chapter shall apply throughout the incorporated areas of the City of Church Hill.

**14-804 Definitions:**

Accidental Discharge: means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

Clean Water Act: means the Federal Water Pollution Control Act (33.U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: means activities subject to the City of Church Hill Stormwater, Erosion and Sediment Control Ordinance or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Enforcement Officer: means the Building Inspector, Director of Public Works, Church Hill Public Safety Officer or any other person designated by the City of Church Hill Board of Mayor and Alderman to enforce the illicit discharge chapter.

Hot Spots: means sites, developments, or uses that have the potential of discharging pollutants or concentrations of pollutants that are not normally found in stormwater. These sites could include concrete and asphalt facilities, auto repair, auto supply, and large commercial parking lots.

Illicit Discharge: means any direct or indirect non-stormwater discharge to the City of Church Hill storm drain system, except as exempted in 14-806 of this chapter.

Illegal Connection: means either of the following:

- a. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the

storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

- b. Any pipe, open channel, drain or conveyance from a commercial or industrial use connected to the City of Church Hill storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity: means activities subject to NPDES industrial permits.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by the State of Tennessee that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge: means any discharge to the storm drain system that is not composed entirely of stormwater.

Person: means, except to the extent exempted from this chapter, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body of any other legal entity.

Pollutant: means anything which causes or contributes to pollution.

Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such water, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will

or is likely to create a nuisance or render such water harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises: means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

State Waters: means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Tennessee which are not entirely confined and retained completely upon the property of a single person.

Stormwater Runoff or Stormwater: means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

City of Church Hill Storm Drain System: means any publicly owned or operated facility designed or used for collecting and/or conveying stormwater including, but not limited to, any roads and streets with drainage systems, curbs, gutters, inlets, catch basins, storm drains, structural and non-structural stormwater controls, stormwater management devices such as detention ponds, ditches, swales, natural and man-made or altered drainage channels, streams, creeks, rivers, reservoirs, and other drainage structures.

Water Course: means any structural or non-structural stormwater conveyance device including, but not limited to, storm drains, ditches, swales, channels, creeks, streams, rivers, and lakes.

**14-805 Prohibition of illicit discharges:** No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the City of Church Hill storm drain system any pollutants or waters containing any pollutants, other than stormwater. The City should identify areas that would be considered “hot spots” for pollution runoff. These sites should be investigated for potential highly contaminated runoff and, if found, enforcement action shall occur.

**14-806 Exemptions:** The following discharges are exempt from the prohibition Section 14-805 above:

- 1) Water line flushing performed by a governmental agency;
- 2) Landscape irrigation or lawn watering with potable water;

- 3) Diverted stream flows permitted by the State of Tennessee;
- 4) Rising ground water;
- 5) Groundwater infiltration to storm drains;
- 6) Uncontaminated pumped groundwater
- 7) Foundation or footing drains (not including active groundwater dewatering systems);
- 8) Crawl space pumps;
- 9) Air conditioning condensation;
- 10) Springs;
- 11) Natural riparian habitat or wetland flows;
- 12) Discharges or flows from firefighting;
- 13) Individual residential washing of vehicles;
- 14) Vehicle washing for non-profit fundraising purposes as long as the activity does not negatively impact waters of the State;
- 15) Swimming pools (if de-chlorinated-typically less than one part per million chlorine);
- 16) Street wash waters resulting from normal street cleaning operations as long as the water is cold and does not contain any soap, detergent, degreaser, solvent, emulsifier, dispersant, or other harmful cleaning substance;
- 17) Dye testing permitted by the City of Church Hill;
- 18) Any other water source not containing pollutants;
- 19) Other discharges specified in writing by the City of Church Hill as being necessary to protect public health and safety;
- 20) Discharges permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the City of Church Hill storm drain system.

**14-807 Prohibition of illegal connections:** The construction, connection, use, maintenance or continued existence of any illegal connection to the City of Church Hill storm drain system is prohibited.

- 1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- 2) A person violates this chapter if the person connects a line conveying sewage to the City of Church Hill storm drain system, or allows such a

connection to continue.

- 3) Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the receiving sanitary sewer agency
- 4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the enforcement officer requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the enforcement officer.

**14-808 Storm drain inlet liability:** Storm drain inlets installed in new public streets whether installed by private parties or the City of Church Hill shall be stenciled with the words “Don’t Dump – Drains to Stream” using traffic bearing paint and minimum 2” high letters.

The stenciling shall be placed in a conspicuous location adjacent to or on the inlet. The preferred location for the stenciling is outside of the road pavement on the curb, if applicable, or the top of the inlet structure. Other alternate locations for the stenciling if the top of the curb or structure does not work are the pavement or sidewalk.

Other methods such as storm drain markers or castings in the structures to provide the words “Don’t Dump – Drains to Stream” adjacent to or on the inlets may be used with the building inspector’s approval and as long as the wording is conspicuous and long lasting.

The stenciling or other method of labeling installed by private developers within their new developments shall be guaranteed by the private developer for one (1) year from the time of installation and after this guarantee period the City of Church Hill shall be responsible for maintenance. Labeling installed by the City of Church Hill or citizen groups in existing public streets shall be maintained by the City of Church Hill from the time of installation. Other wording besides “Don’t Dump – Drains to Stream” may be used with the building inspector’s approval and as long as the intent is the same.

**14-809 Watercourse protection:** Every person owning property through

which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property boundaries free of trash, debris, and other items and obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

**14-810 Industrial construction activity discharges:** Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to allowing discharges to the City of storm drain system.

**14-811 Access and inspection of properties and facilities:** The enforcement officer shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this chapter.

- 1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access for representatives of the enforcement officer.
- 2) The owner or operator shall allow the enforcement officer ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- 3) The enforcement officer shall have the right to set up on any property or facility such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling of flow discharges.
- 4) The enforcement officer may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the enforcement officer. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- 5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

- 6) Unreasonable delays in allowing the enforcement officer access to a facility are a violation of this chapter.
- 7) If the enforcement officer has been refused access to any part of the premises from which stormwater is discharged, and the enforcement officer is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

**14-812 Responsibility for discoveries, containment and cleanup:**

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City of Church Hill storm drain system, state waters, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such releases so as to minimize the effects of the discharge.

**14-813 Responsibility for notification:** The person responsible for a facility operation or premises on which a suspected release of pollutants or non-stormwater discharge may be generated shall notify the authorized enforcement agency in person, by phone, or facsimile no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the enforcement officer within three (3) business days of the phone or in person notice.

**14-814 Records required:** If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

**14-815 Immediate notification of hazardous discharge:** In the event of

such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified through emergency dispatch services.

**14-816 Failure to notify a violation:** Failure to provide notification of a release as provided above is a violation of this chapter.

**14-817 Violations:** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. equitable relief as provided by law.

- 1) Any person who has violated or continues to violate the provisions of this chapter, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- 2) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

**14-818 Violation an immediate danger to public health or safety:** In the event the violation constitutes an immediate danger to public health or public safety, the enforcement officer is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The enforcement officer is authorized to seek costs of the abatement as outlined in Section 14-822.

**14-819 Notice of violation:** Whenever the enforcement officer finds that a violation of this chapter has occurred, the enforcement officer may order compliance by written notice of violation.

- 1) The notice of violation shall contain:
  - a) The name and address of the alleged violator;
  - b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - c) A statement specifying the nature of the violation;
  - d) A description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of such remedial action;
  - e) A statement of the penalty or penalties that shall or may be assessed

- against the person to whom the notice of violation is directed; and
- f) A statement that the determination of violation may be appealed to the enforcement officer by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
- 2) Such notice may require without limitation:
- a) The performance of monitoring, analyses, and reporting;
  - b) The elimination of illicit discharges and illegal connections;
  - c) That violating discharges, practices, or operations shall cease and desist;
  - d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - e) Payment of costs to cover administrative and abatement costs; and,
  - f) The implementation of pollution prevention practices.

**14-820 Appeal of notice of violation:** Any person receiving a notice of violation may appeal the determination of the enforcement officer to the Church Hill Board of Mayor and Aldermen. A written notice of appeal must be received by the enforcement officer within fifteen (15) days from the date of the notice of violation.

**14-821 Enforcement measures after appeal:** If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty (30) days of the decision of the appropriate authority upholding the decision of the enforcement officer, then representatives of the enforcement officer may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

**14-822 Costs of abatement of the violation:** Within fifteen (15) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs.

- 1) The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 30 days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said appeal upholds the assessment, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

- 2) Any person violating any of the provisions of this article shall become liable to the City of Church Hill by reason of such violation.

**14-823 Penalties:** Any person who shall commit any act declared unlawful under this article, who violates any provision of this article, who violates the provisions of any permit issued pursuant to this article, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized enforcement officer, shall be guilty of a violation of this chapter, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. The person shall be subject to fines of up to \$5,000.00 per day for each day of violation (T.C.A. § 68-221-1106). Citations for violations may be issued by any enforcement officer, public safety director, or a Church Hill police officer.

**14-824 Remedies not exclusive:** The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and the enforcement officer may seek cumulative remedies.

The enforcement officer may recover attorney's fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

**14-825 Compatibility with other regulations:** This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**14-826 Severability:** If the provisions of any section, subsection, paragraph, subdivision or clause of this chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this chapter.

**14-827 Responsibility for administration:** The Stormwater Manager as directed by the Board of Mayor and Aldermen, shall administer, implement, and enforce the provisions of this chapter.

## CHAPTER 9

# **PERMANENT WATER QUALITY STORMWATER MANAGEMENT**

(Chapter 9 added by Ord. 24-522, August 2024)

## **SECTION**

- 14-901 Short title
- 14-902 Purpose
- 14-903 Definitions
- 14-904 General Requirements
- 14-905 Design Criteria
- 14-906 Exemptions
- 14-907 Performance Bonds
- 14-908 Record Drawings and Design Certification
- 14-909 Inspections and Maintenance
- 14-910 Appeal of Administrative Action
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- 14-912 Penalties
- 14-913 Severability
- 14-914 Effective Date

**14-901 Short title:** This Section shall be known as the “Permanent Water Quality Stormwater Management Ordinance of the City of Church Hill, Tennessee”.

**14-902 Purpose:** The purpose of this Ordinance is to conserve the land, water and other natural resources of the City of Church Hill; promote the public health and welfare of the people by establishing requirements for the control of stormwater, by establishing procedures whereby these requirements shall be administered and enforced; diminish threats to public safety from degrading water quality caused by stormwater conveying excessive pollutants into our public drainage systems; and reduce the economic loss to individuals and the community at large.

**14-903 Definitions:** For the purpose of this Chapter, the following definitions shall apply:

**Best Management Practices (BMP or BMPs):** Schedules of activities, prohibitions of practices, maintenance procedures, Water Quality Management Facilities, structural controls and other management practices designed to prevent or reduce the pollution of waters of the United States. Water quality BMPs may include structural or non-structural practices.

**Channel:** A natural or man-made watercourse with a defined bottom and banks to confine and convey continuously or periodically flowing

stormwater.

Construction: Any placement, assembly, or installation of facilities or equipment at the premises where such equipment will be used, including preparation work at such premises.

Covenants for Maintenance of Stormwater Facilities and Best Management Practices: A legal document executed by the property owner, or a homeowners' association as owner of record, and recorded with the Register of Deeds in the Washington County, Tennessee Courthouse which guarantees maintenance of Water Quality Management Facilities and Best Management Practices.

Developer: Any person, owner, individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representative, agents, or assigns.

Development: Any land change that alters the hydrologic or hydraulic conditions of any property, often referred to as "site development". Development includes, but is not limited to, providing access to a site, clearing of vegetation, grading, earth moving, providing utilities, roads and other services such as parking facilities, Water Quality Management Facilities and erosion control systems, potable water and wastewater systems, altering land forms, or construction or demolition of a structure on the land.

Development Plan: Detailed engineering or architectural drawing(s) showing existing site conditions and proposed improvements with sufficient detail for City review, approval, and then subsequent construction. The contents of a development plan are further defined by the City Zoning Ordinance, Subdivision Regulations, and other City departmental standards for constructing developments and public works projects.

Exceptional Waters of the State: Surface waters of the State of Tennessee that satisfy the characteristics as listed in Rule 1200-4-3-.06 of the official compilation - rules and regulations of the State of Tennessee.

Characteristics include waters with exceptional biological diversity or other waters with outstanding ecological or recreational value as determined by the State of Tennessee.

Existing Stormwater Facility: Any existing structural feature that conveys, slows, filters, or infiltrates runoff after a rainfall event.

Hotspot: An area where the land use or activities generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in stormwater. These sites could include concrete and

asphalt facilities, auto repair, auto supply, car wash, and large commercial parking lots.

Impaired Waters of the State: Any segment of surface waters that has been identified by the State of Tennessee as failing to support classified uses. The State of Tennessee periodically compiles a list of such waters known as the 303(d) List.

Impervious Surface: A surface composed of material(s) that prohibits or severely restricts the infiltration of stormwater into the underlying soil such as, but not limited to, asphalt, buildings, concrete, and brick. Compacted stone/gravel such as found in parking and drive areas is considered impervious.

Lake: An inland body of standing water, usually of considerable size.

NPDES: National Pollutant Discharge Elimination System. NPDES is the program administered by the United States Environmental Protection Agency to eliminate or reduce pollutant discharges to the waters of the United States.

Owner or Property Owner: The legal owner of the property as recorded in the Register of Deeds office in the City of Church Hill, Tennessee.

Person: Any individual, firm, corporation, partnership, association, organization or entity, including governmental entities, or any combination thereof.

Pond: An inland body of standing water that is usually smaller than a lake.

Redevelopment: The improvement of a lot(s) or parcel of land that is improved with existing structures. If the existing impervious areas including but not limited to buildings and parking remain as is, then this Ordinance only applies to the newly constructed structures and disturbed areas. If the existing impervious areas are removed and the soil underneath disturbed and then replaced with new impervious areas or newly graded areas, then this Ordinance applies to the entire disturbed area. Areas or uses designated as “hotspots” that are redeveloped must provide water quality improvements for not only the new impervious and graded areas but also the existing impervious areas that remain.

Sediment: Solid material, either mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by erosion.

Stormwater: Also “Stormwater Runoff” or “Runoff”. Surface water resulting from rain, snow, or other forms of precipitation, which is not absorbed into the soil and results in surface water flow.

Stormwater control measure (SCM): Stormwater control measure or SCM means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.

Stream: For the specific purpose of vegetated buffers, a stream is defined as a linear surface water conveyance that can be characterized with either perennial or ephemeral base flow and is regulated by the City as a Special Flood Hazard Area (SFHA) or has been identified by the United States Army Corps of Engineers or the Tennessee Department of Environment and Conservation as a stream.

Structure: For the purpose of this Ordinance, anything constructed or erected such that the use of it requires a more or less permanent location on or in the ground. Such construction includes, but is not limited to, objects such as buildings, houses, towers, overhead transmission lines, carports, garages, walls, parking areas, driveways, roads, and sidewalks.

TMDL: Total Maximum Daily Load. A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the source(s) of the pollutant.

City: The City of Church Hill, Tennessee.

City Recorder: The City Recorder of the City of Church Hill, Tennessee, or designee.

Transporting: Any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

Vegetated Buffer: A use-restricted vegetated area that is located along the perimeter of streams, ponds, lakes, or wetlands, containing natural vegetation and/or enhanced or restored vegetation.

Water Quality BMP Manual: A document which contains policies, design standards and criteria, technical specifications and guidelines, maintenance guidelines, and other supporting documentation to be used as the policies and technical guidance for implementation of the provisions of this Ordinance. The manual to be used shall be the Tennessee Permanent Stormwater Management and Design Guidance Manual or the Northeast Tennessee Water Quality BMP Manual, latest edition. However, with approval by the City of Church Hill, another manual that has been approved by the State of Tennessee may be used.

Water Quality Management Facilities: Structural and non-structural features designed to prevent or reduce the discharge of pollution in stormwater runoff from a development or redevelopment.

Water Quality Management Plan: An engineering plan for the design of Water Quality Management Facilities and Best Management Practices within a proposed development or redevelopment. The Water Quality Management Plan includes a plan showing the extent of the land

development activity, water quality management facilities, BMPs, vegetated buffers, design calculations for water quality management facilities and BMPs, and may contain record drawings/certifications and Covenants for Maintenance of Stormwater Facilities and Best Management Practices along with easements for the water quality management facilities, BMPs, and vegetated buffers.

Waters of the State: Defined in the Tennessee Water Quality Control Act and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland determination shall be made by the United States Army Corps of Engineers, and/or the Tennessee Department of Environment and Conservation.

#### **14-904 General Requirements:**

- 1) Owners of land development activities not exempted under Section 14-906 must submit a Water Quality Management Plan. The Water Quality Management Plan shall be submitted as part of the Site Development Plans as required by the City Zoning Ordinance, Subdivision Regulations, and other standards for development plans.
- 2) The Water Quality BMP Manual to be used shall be the Tennessee Permanent Stormwater Management and Design Guidance Manual or the Northeast Tennessee Water Quality BMP Manual, latest edition. However, with approval by the City of Church Hill, another manual that has been approved by the State of Tennessee may be used.
- 3) The Water Quality Management Plan shall include the specific required elements that are listed and/or described in the Water Quality BMP Manual. The City Administrator may require submission of additional information in the Water Quality Management Plan as necessary to allow an adequate review of the existing or proposed site conditions.
- 4) The Water Quality Management Plan shall be subject to any additional requirements set forth in the minimum subdivision regulations, Zoning Ordinance, or other City Ordinances and regulations including the Peak

- Stormwater Management and Erosion and Sediment Control Ordinance.
- 5) Water Quality Management Plans shall be prepared and stamped by a design professional qualified to prepare stormwater and site plans in accordance with State of Tennessee law.
  - 6) Other State and/or Federal permits that may be necessary for construction in and around streams and/or wetlands shall be approved prior to approval of a Water Quality Management Plan by the City.
  - 7) The approved Water Quality Management Plan shall be adhered to during grading and construction activities. Under no circumstance is the owner or operator of land development activities allowed to deviate from the approved Water Quality Management Plan without prior approval of a plan amendment by the City Recorder.
  - 8) The approved Water Quality Management Plan shall be amended if the proposed site conditions change after plan approval is obtained, or if it is determined by the City Recorder during the course of grading or construction that the approved plan is inadequate.
  - 9) The Water Quality Management Plan shall include a listing of any known legally protected state or federally listed threatened or endangered species and/or critical habitat located in the area of land disturbing activities and a description of the measures that will be used to protect them during and after grading and construction.
  - 10) Water quality management facilities, BMPs, and vegetated buffers shown in Water Quality Management Plans shall be maintained through Covenants for Maintenance of Stormwater Facilities and Best Management Practices or other legal means as determined by the City Recorder. The other means must be legally enforceable to ensure ownership, maintenance responsibility, and inspection requirements are provided for in perpetuity. The Covenants, or other legal means, must be approved by and shall be enforceable by the City. The Covenants shall be recorded with the Register of Deeds at the Hawkins County Courthouse and shall run with the land and continue in perpetuity.
  - 11) Water quality management facilities, BMPs, and vegetated buffers shown in Water Quality Management Plans shall be placed into a permanent Stormwater Facilities and Best Management Practices Easement held by the City that is recorded with the Register of Deeds at the Hawkins County Courthouse.
  - 12) A maintenance right-of-way or easement, having a minimum width of twenty (20) feet shall be provided to all water quality management facilities, BMPs, and vegetated from a driveway, public road or private road.

- 13) Owners of land development activities not exempted from submitting a Water Quality Management Plan may be subject to additional watershed or site-specific requirements than those stated in this Ordinance in order to satisfy other local, State, and Federal water quality requirements. Areas subject to additional requirements may also include developments, redevelopments, or land uses that are considered pollutant hotspots or areas where the City Recorder has determined that additional restrictions are needed to limit adverse impacts of the proposed development on water quality or channel protection.
- 14) The City Recorder may waive or modify any of the requirements of Section 14-905 of this Ordinance if adequate water quality treatment are suitably provided by a downstream or shared off-site Water Quality Management Facility, or if engineering studies determine that installing the required Water Quality Management Facilities or BMPs would actually cause adverse impact to water quality or cause increased channel erosion or downstream flooding.
- 15) This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or existing Ordinances and regulations. If provisions of this Ordinance and another regulation conflict, that provision which is more restrictive or imposes higher standards or requirements shall control.

**14-905 Design Criteria:**

- 1) All owners of developments or redevelopments who must submit a Water Quality Management Plan shall meet the following requirements:

The water quality treatment design storm is a 1-year, 24-hour storm event as defined by the Precipitation-Frequency Atlas of the United States. Atlas 14. Volume 2. Version 3.0. U.S. Department of Commerce. National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Springs, Maryland or its digital product equivalent.

The water quality treatment volume (WQTV) is a portion of the runoff generated from impervious surfaces at a new development or redevelopment project by the design storm, as set forth below. SCMs must be designed, at a minimum, to achieve an overall treatment efficiency of at least 80% TSS removal from the WQTV.

The quantity of the WQTV depends on the type of treatment provided, as established in the following table:

SCM Treatment Type	WQTV	Notes
infiltration, evaporation, transpiration, and/or reuse	runoff generated from the first 1 inch of the design storm	Examples include, but are not limited to, bioretention, stormwater wetlands, and infiltration systems.
biologically active filtration, with an underdrain	runoff generated from the first 1.25 inches of the design storm	To achieve biologically active filtration, SCMs must provide minimum of 12 inches of internal water storage.
sand or gravel filtration, settling ponds, extended detention ponds, and wet ponds	runoff generated from the first 2.5 inches of the design storm or the first 75% of the design storm, whichever is less	Examples include, but are not limited to, sand filters, permeable pavers, and underground gravel detention systems. Ponds must provide forebays comprising a minimum of 10% of the total design volume. Existing regional detention ponds are not subject to the forebay requirement.
hydrodynamic separation, baffle box settling, other flow-through manufactured treatment devices (MTDs), and treatment trains using MTDs	maximum runoff generated from the entire design storm	Flow-through MTDs must provide an overall treatment efficiency of at least 80% TSS reduction.

The WQTV for a redevelopment project may be reduced by 20% for a redevelopment project. Redevelopment projects include sites with existing impervious surfaces and/or buildings where the overall amount of existing impervious area is maintained or reduced and for brownfield redevelopment.

Permanent SCMs must be installed, implemented, and maintained to meet the performance standards above and provide full treatment capacity within 72 hours following the end of the

preceding rain event.

- 2) All owners of developments or redevelopments who require a grading permit, plan approval, or subdivision approval shall establish, protect, and maintain a permanent Vegetated Buffer along all streams, ponds, rivers, lakes, wetlands, or other Waters of the State in accordance with table below:

	Average buffer width (feet)	Minimum buffer width (feet)	Notes
Waters with available parameters for siltation or habitat alteration or unassessed waters	30	15	The criteria for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently.
Exceptional Tennessee Waters or waters with unavailable parameters for siltation or habitat alteration	60	30	

The predominant vegetation within the minimum buffer width area should be trees. The remaining riparian buffers may be composed of herbaceous cover or infiltration-based SCMs.

Water quality riparian buffer widths are measured from the top of the bank, also referred to as the “ordinary high-water mark.”

**Exemptions from this requirement are as follows:**

- a) Vegetated Buffers are not required around the perimeter of ponds that have no known connection to streams, other ponds, lakes, rivers, or wetlands

- b) Vegetated Buffers are not required around Water Quality Management Facilities, BMPs, or detention ponds that are designed, constructed and maintained for the purposes of water quality and/or quantity control, unless expressly required by the design standards and criteria for the facility that are provided in the Water Quality BMP Manual.
  - c) The installation of utilities, development of roads crossing the waterway, trails and walkways, or construction of outfalls for stormwater facilities and related drainage improvements, and the removal of invasive species to enhance the existing buffer are allowed within the buffer. These utility, road, trail/walkway, and stormwater outfall disturbances shall be designed to minimize disturbance and impact on the Waters of the State and their buffers. Any disturbance to streams, wetlands, or other Waters of the State requires an Aquatic Resource Alteration Permit through the State of Tennessee.
- 3) In addition to the above requirements, all owners of developments or redevelopments who must submit a Water Quality Management Plan shall:
- d) Provide erosion prevention and sediment control in accordance with the Ordinances and Regulations of the City;
  - e) Control stormwater drainage onsite and provide peak stormwater management in accordance with the Ordinances and Regulations of the City; and
  - f) Adhere to all local floodplain development requirements in accordance with Ordinances and Regulations of the City.

**14-906 Exemptions:**

- 1) Owners of developments and redevelopments who conform to the criteria in Subsection 14-906(3) are exempt from the requirements of this Ordinance, unless the City Recorder has determined that treatment of Stormwater Runoff for water quality is needed to order to satisfy local or State NPDES, TMDL or other regulatory water quality requirements, or the proposed development will be a pollutant Hotspot, or to limit adverse water quality or channel protection impacts of the proposed development.
- 2) The exemptions listed in Subsection 14-906(3) shall not be construed as exempting the owners of developments and redevelopments from compliance with stormwater requirements stated in the minimum Subdivision Regulations, Zoning Ordinance, or other City Ordinances and regulations including peak stormwater management and erosion prevention

and sediment control.

- 3) The following developments and redevelopments are exempt from the requirements for a Water Quality Management Plan:
  - a) Developments or redevelopments that disturb less than one (1) acre of land. No exemption is granted if the development or redevelopment is part of a larger common plan of development or sale that would potentially disturb one (1) acre or more and the Stormwater Runoff from the development or redevelopment is not treated for water quality via a downstream or regional Water Quality Management Facility or BMP that meets the requirements of this Ordinance;
  - b) Minor land disturbing activities such as residential or non-residential repairs, landscaping, or maintenance work;
  - c) Public utility service connections, unless such activity is carried-out in conjunction with the clearing, grading, excavating, transporting, or filling of a lot or lots for which a Water Quality Management Plan would otherwise be required;
  - d) Installation, maintenance, or repair of individual septic tank lines or drainage fields, unless such activity is carried out in conjunction with the clearing, grading, excavating, transporting, or filling of a lot or lots for which a Water Quality Management Plan would otherwise be required;
  - e) Agricultural activities;
  - f) Emergency work to protect life, limb or property, and emergency repairs.

**14-907 Performance Bonds:**

- 1) A performance bond that guarantees satisfactory completion of construction work related to Water Quality Management Facilities and/or the establishment of Vegetated Buffers is required. Final plat approval or certificate of occupancy may be granted if items in 14-907 (3) and (4) are completed or if a performance bond guarantees their completion.
- 2) The Performance Bond must be in a form satisfactory to and approved by the City Attorney, and it must be properly executed and filed with the City Recorder. A project cost summary must accompany the application so that it can be used to help determine the bond amount. The bond may not be higher than an amount equal to the estimated cost of the improvements plus an additional fifteen percent (15%), and said bond shall only be released by the City Recorder following completion of construction work related to Water Quality Management Facilities and/or the establishment of

Vegetated Buffers. The Planning Commission shall determine the amount of the bond and the date the bond will become due, but in no event will this period exceed one year. Any performance bond shall become due upon the Developer's failure to comply with the terms and requirements of any Notice of Non-Compliance properly issued pursuant to Subsection 14-909(2)(f). Upon the posting of the bond, the Developer must sign and have notarized a grant of authority to The City of Church Hill to implement the construction work related to Water Quality Management Facilities, BMPs, and/or the establishment of Vegetated Buffers upon Developer's failure to comply with the Water Quality Management Plan or the Notice of Non-Compliance.

- 3) Prior to approval of a final subdivision plat, release of the performance bond, and/or the issuance of an occupancy permit, the property owner/developer shall provide the City with an executed and recorded copy of the protective covenants and an executed and recorded copy of the easement plat showing the easements associated with the locations of the Best Management Practices, Water Quality Management Facilities, Vegetated Buffers and access easements to said facilities.
- 4) Prior to approval of a final subdivision plat, release of the performance bond, and/or the issuance of an occupancy permit, the property owner/developer shall provide the City with an accurate record drawing of the property for all the Best Management Practices, Water Quality Management Facilities, and Vegetated Buffers.

**14-908 Record Drawings and Design Certification:**

- 1) Prior to approval of a final subdivision plat, release of the performance bond, and/or the issuance of an occupancy permit, the property owner/developer has to provide the City with an accurate record drawing of the property for all the Best Management Practices, Water Quality Management Facilities, and Vegetated Buffers shown on the approved Water Quality Management Plan(s).
- 2) The boundaries of Water Quality Management Facilities, BMPs, and Vegetated Buffers shall be shown on the record drawings along with any other information in accordance with guidance provided in the Water Quality BMP Manual.
- 3) Record drawings shall include sufficient design information to show that Water Quality Management Facilities required by this Ordinance will operate as approved.
- 4) The easements associated with the Water Quality Management Facilities, BMPs, and Vegetated Buffers shall be shown on the record drawings along

with any other information in accordance with guidance provided in the Water Quality BMP Manual.

- 5) The record drawings shall be stamped by the appropriate design professional required to stamp the Water Quality Management Plan and/or a registered land surveyor licensed to practice in the State of Tennessee.

#### **14-909 Inspections and Maintenance:**

- 1) Right of entry
  - a) During and after construction, The City Recorder or designee may enter upon any property which has a Water Quality Management Facility, BMP, and Vegetative Buffer during all reasonable hours to inspect for compliance with the provisions of this Ordinance, or to request or perform corrective actions.
  - b) Failure of a property owner to allow such entry onto a property for the purposes set forth in subsection 14-909 (1) (a) shall be a cause for the issuance of a violation, stop work order, withholding of a certificate of occupancy and/or civil penalties.
- 2) Requirements
  - a) The owner(s) of Existing Stormwater Facilities, Water Quality Management Facilities, BMPs, and Vegetated Buffers shall inspect and maintain all devices and areas in accordance with the Covenants for Maintenance of Stormwater Facilities and Best Management Practices.
  - b) Inspection and maintenance of privately-owned Existing Stormwater Facilities, Water Quality Management Facilities, Best Management Practices, and Vegetated Buffers shall be performed at the sole cost and expense of the owner(s) of such facilities/areas. The Best Management Practices owner shall perform routine inspections on at least an annual basis. Inspections shall be performed by a person familiar with the control measures. The Best Management Practices owner shall maintain documentation of these inspections. A comprehensive inspection of all BMPs shall be conducted once every 5 years by a professional engineer or landscape architect, or other qualified professional familiar with applicable SCM design and maintenance requirements. Records stating the BMP, date, latitude/longitude, address, BMP owner information, description of BMP, photos of BMP and any corrective action needed and when performed shall be maintained by the BMP owner.
  - c) Inspections and maintenance shall be performed in accordance with specific requirements and guidance provided in the Covenants for

Maintenance of Stormwater Facilities and Best Management Practices and the Water Quality BMP Manual. Inspection and maintenance activities shall be documented by the property owner (or his/her designee), and such documentation shall be maintained by the property owner for a minimum of three (3) years, and shall be made available for review by the City Recorder upon request.

- d) The City Recorder has the authority to impose more stringent inspection requirements as necessary for purposes of water quality protection and public safety.
- e) The removal of sediment and/or other debris from Existing Stormwater Facilities, Water Quality Management Facilities, and Best Management Practices shall be performed in accordance with all City, State, and Federal laws and the Water Quality BMP Manual. The City Recorder may stipulate additional guidelines if deemed necessary for public safety.
- f) The City Recorder may order corrective actions to Best Management Practices, Existing Stormwater Facilities, Water Quality Management Facilities, and/or Vegetated Buffer Areas as are necessary to properly maintain the facilities/areas within the City for the purposes of water quality treatment, channel erosion protection, adherence to local performance standards, and/or public safety. When corrective action is required, the BMP owner must initiate the correction action within 30 days of notice. If the property owner(s) fails to perform corrective action(s), the City Recorder shall have the authority to order the corrective action(s) to be performed by the City or others. In such cases where a performance bond exists, the City shall utilize the bond to perform the corrective actions. In such cases where a performance bond does not exist, the cost of labor, equipment, and materials used will be charged to the Developer/Owner in addition to a service charge of \$100.00 per hour. The City will invoice the Developer/Owner directly, and payment shall be received within fourteen (14) days. Failure to pay for remedial actions taken by the City under this Section may result in the City Attorney filing a lien against the property involved in the action, and may negate any intention by the City to accept responsibility for any Best Management Practices, Existing Stormwater Facilities, Water Quality Management Facilities, and/or Vegetated Buffer Areas. The decision of the City to take remedial actions to protect the health and safety of the public in no way supplants or negates the authority of the appropriate City Staff to

issue citations for violations of this Ordinance.

- 3) Any alteration, improvement, or disturbance to Water Quality Management Facilities, BMPs, or Vegetated Buffers shown in the Water Quality Management Plan, certified record drawings, and/or easement plats shall be prohibited without authorization from the City Recorder. This does not include alterations that must be made in order to maintain the intended performance of the Water Quality Management Facilities, BMPs, or Vegetated Buffers.

**14-910 Appeal of Administrative Action:** Actions taken by the City Recorder as authorized in this Ordinance are subject to appeal by the Board of Zoning Appeals provided an appeal is timely filed in writing at the office of the City Recorder within thirty (30) days from the date any written or verbal decision has been made which the Developer feels adversely affects the Developer's rights, duties or privileges to engage in the land disturbing activity and/or associated development proposed.

**14-911 Variances:**

- 1) Variances to the requirements of this Ordinance shall be handled by the Board of Zoning Appeals.
- 2) The Board of Zoning Appeals shall not approve variances that cause the City to be in violation of any State or Federal NPDES permit, TMDL, or other applicable water quality regulation.

**14-912 Penalties; Enforcement:** Any Developer or person who shall commit any act declared unlawful under this Chapter, who violates any provision of this Chapter, who violates the provisions of any permit issued pursuant to this Chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement Officer or the Church Hill Planning Commission, shall be guilty of a violation of this municipal ordinance, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. Upon conviction, the Developer or person shall be subject to fines of up to \$5,000.00 per day for each day of violation (T.C.A. §68-221-1106). Unless otherwise specified within any section of this Chapter, the Building Inspector and the Stormwater Manager/Codes Enforcement Officer are the designated Enforcement Officers of this ordinance. Citations for violations may be issued by any Enforcement Officer, the Public Safety Director or any Church Hill Police Officer.

**14-913 Severability:** If any provision of this Ordinance is held to be

unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other provision of this Ordinance.

**14-914 Effective Date:** This Ordinance will go into effect immediately upon passage on second and final reading; however, development projects that have already received at least preliminary site plan approval from the Church Hill Regional Planning Commission shall be exempt from the requirement to develop a Water Quality Management Plan under this Ordinance but may still have to provide a Water Quality Management Plan from a prior Ordinance.

## **SIGNS**

(Title 11, Chapter 6 Signs created by Ord. 19-493, December 2019  
Renamed Title 14, Chapter 10 Signs and amended by Ord. 25-528, May 2025)

### **SECTION**

14-1001 General provisions

14-1002 Electronic Message Board signs

14-1003 The following types of signs are prohibited

14-1004 Exemptions

14-1005 Continuance of nonconforming uses

#### **14-1001 General provisions:**

- 1) All signs must meet the requirements and definitions stated in Chapter 4 of the Church Hill Zoning Ordinance.
- 2) Signs must meet a minimum setback requirement of five (5) feet in all zones, unless there is a more restrictive setback outlined in Chapter 4.
- 3) No part of any sign may be placed within the right of way of any road nor within the boundary of any easement
- 4) All new signs and signs to be replaced or renovated must receive a Sign Permit from the Building Official or other person delegated by the Planning Commission
- 5) Animated signs may be permitted on a case-by-case basis through review by the Planning Commission
- 6) Any sign to be included with a new development must have a sign detail submitted with the final site plan for review by the Planning Commission. This detail must include: proposed lighting (if any), square footage, height, content and any other provision deemed necessary by the Planning Commission.

**14-1002 Electronic Message Board Signs:** Except as otherwise provided in this section, electronic message boards are allowed only in the following zoning districts: B-1, B-2, B-3, B-4, and M-1 as follows:

- 1) Only one freestanding electronic message board to convey information by words, letters, or still pictures shall be permitted for each development, provided that at least one parcel within the development has a minimum frontage of 150 feet and the electronic message board sign is mounted along the parcel front.
- 2) The electronic message must not exceed that of the total sign square footage permitted in the underlying zoning district.
- 3) The maximum height of the sign is as permitted in the zoning district.
- 4) Electronic message boards shall include an automatic dimmer. The

maximum allowable brightness of an electronic message board shall not exceed 4,000 nits during the hours between sunrise and sunset and 1,000 Nits after sunset and before sunrise.

- 5) Electronic message boards shall not interfere with traffic signal devices as determined by the city traffic engineer.
- 6) Electronic message boards shall not be used for off-premises advertising.
- 7) Signage shall be limited to text, images and still pictures only. Video or animation of any type is prohibited. Animated signs are prohibited.
- 8) Scrolling or flashing text shall be prohibited.
- 9) Any display on an electronic message board shall be for a minimum of five seconds in duration. Any message change shall be completed within one second, shall be simultaneous, and fixed in place for a minimum of five seconds.

Electronic message board signs for public schools and churches.

Electronic message board signs are allowed in any residential district for public schools and churches as follows:

- 1) Only one freestanding electronic message board to convey information by words, letters, or still pictures shall be permitted for each institution provided that at least one parcel within the development has a minimum road frontage of 150 feet located on a minor arterial or above as classified by the adopted Major Street and Road Plan and the electronic message board sign is located along that road.
- 2) The electronic message board with a maximum size of 50 square feet per side. The electronic message board portion of the freestanding sign must not exceed 50 percent of the total freestanding sign.
- 3) The maximum height of the sign is as permitted in the underlying zoning district.
- 4) Electronic message boards shall include an automatic dimmer. The maximum allowable brightness of an electronic message board shall not exceed 4,000 nits during the hours between sunrise and sunset and 1,000 Nits after sunset and before sunrise.
- 5) Hours of operation for electronic message boards located within a residential zone are from sunrise to 10:00 p.m. and must be turned off completely by 10:00 p.m. each night.
- 6) Electronic message boards shall not interfere with traffic signal devices as determined by the city traffic engineer.
- 7) Electronic message boards shall not be used for off-premises advertising.
- 8) Signage shall be limited to text, images and still pictures only. Video or animation of any type is prohibited. Animated signs are prohibited.
- 9) Scrolling or flashing text shall be prohibited.

- 10) Any display on an electronic message board shall be for a minimum of five seconds in duration. Any message change shall be completed within one second, shall be simultaneous, and fixed in place for a minimum of five seconds.

**14-1003 The following types of signs are prohibited:**

- 1) Signs or the lighting of such that could be confused for a traffic control device;
- 2) Signs displaying video
- 3) Any sign where the artificial lighting components produce, reflect or otherwise emit over 60 lumens of light
- 4) Signs that are internally lit or have auxiliary lighting designed to mimic searchlights, beacons, and laser source light fixtures;
- 5) Any sign that is lit with artificial lights (internal or auxiliary) that blink, flash, move, revolve, flicker, change intensity, or change color at any time increment; or are otherwise deemed animated by the Planning Commission
- 6) Any illuminated sign that where direct or reflected light falls outside the boundaries of the property line(s) or encroaches on a right of way.
- 7) Signs that advertise a product, service, or other business not physically situated on the same premises as the sign.
- 8) Portable signs

**14-1004 Exemptions:**

- 1) Signs that show time, temperature, weather or similar public information
- 2) Seasonal lighting displays on signs between November 15 through January 15 of the following year that emit 60 lumens or less.
- 3) Where a sign permit has been denied, the applicant may petition the Planning Commission to review the design.

**14-1005 Continuance of Nonconforming Uses:**

- 1) Any sign permitted prior to the enactment of this ordinance that does not conform to the restrictions of this ordinance will be permitted to remain unless notified otherwise by the Building Official as outlined in Chapter 4: 11-406, Section A-4.
- 2) Any nonconforming sign that is replaced due to damage, change in ownership or otherwise shall be re-constructed in accordance with this ordinance.

## **MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>**

### **CHAPTER**

- 1 MISCELLANEOUS
- 2 EMERGENCY VEHICLES
- 3 SPEED LIMITS
- 4 TURNING MOVEMENTS
- 5 STOPPING AND YIELDING
- 6 PARKING
- 7 ENFORCEMENT

### **CHAPTER 1 MISCELLANEOUS**

#### **SECTION**

- 15-101 Motor vehicle requirements.
- 15-102 Driving on streets closed for repairs, etc.
- 15-103 One-way streets.
- 15-104 Unlaned streets.
- 15-105 Laned streets.
- 15-106 Yellow lines.
- 15-107 Miscellaneous traffic-control signs, etc.
- 15-108 General requirements for traffic-control signs, etc.
- 15-109 Unauthorized traffic-control signs, etc.
- 15-110 Presumption with respect to traffic-control signs, etc.
- 15-111 School safety patrols.
- 15-112 Driving through funerals or other processions.
- 15-113 Clinging to vehicles in motion.
- 15-114 Riding on outside of vehicles.
- 15-115 Backing vehicles.
- 15-116 Projections from the rear of vehicles.
- 15-117 Causing unnecessary noise.
- 15-118 Vehicles and operators to be licensed.
- 15-119 Passing.
- 15-120 Damaging pavements.
- 15-121 Bicycle riders, etc.
- 15-122 Adoption of state regulations.

<sup>1</sup>Municipal code reference

Title 16: Excavations and obstructions in streets, etc..

15-123 Restricted use of Elm Springs Road.

- 15-124 Restricted use of Caldwell Road.
- 15-125 Restricted use of Greenland Road.
- 15-126 Restricted use of Old Union Road.
- 15-127 Size, weight and load.
- 15-128 Operation of vehicles -- Rules of the Road.
- 15-129 Operators to exercise care, maintain lookout.
- 15-130 Compliance with financial responsibility law required.

**15-101 Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (2003 Code, § 9-101)

**15-102 Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (2003 Code, § 9-106)

**15-103 One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (2003 Code, § 9-109)

**15-104 Unlaned streets.**

- 1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:
  - a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
  - b) When the right half of a roadway is closed to traffic while under construction or repair.
  - c) Upon a roadway designated and signposted by the city for one-way traffic.
- 2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (2003 Code, § 9-110)

**15-105 Laned streets.** On streets marked with traffic lanes, it shall be

unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (2003 Code, § 9-111)

**15-106 Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (2003 Code, § 9-112)

**15-107 Miscellaneous traffic-control signs, etc**<sup>1</sup> . It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (2003 Code, § 9-113)

**15-108 General requirements for traffic-control signs, etc.** All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> published by the U.S. Department of Transportation, Federal Highway Administration and shall, so far as practicable, be uniform as to type and location throughout the city. (2003 Code, § 9-114, modified)

**15-109 Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (2003 Code, § 9-115)

<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

<sup>2</sup>This document may be obtained at: [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov).

**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. (2003 Code, § 9-116)

**15-111 School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (2003 Code, § 9-117)

**15-112 Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (2003 Code, § 9-118)

**15-113 Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (2003 Code, § 9-120)

**15-114 Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons six (6) years of age or older riding in the load-carrying space of trucks as permitted by Tennessee Code Annotated, § 55-8-189. (2003 Code, § 9-121)

**15-115 Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (2003 Code, § 9-122)

**15-116 Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (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 (200) feet from the rear of such vehicle. (2003 Code, § 9-123)

**15-117 Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (2003 Code, § 9-124)

**15-118 Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law" as set forth in Tennessee Code Annotated, title 55, chapters 1-4, and penalties as prescribed at Tennessee Code Annotated, § 55-50-601. The penalty for violation of the above ordinances shall be subject to a maximum fifty dollar (\$50.00) fine (2003 Code, § 9-125)

**15-119 Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (2003 Code, § 9-126)

**15-120 Damaging pavements.** No person shall operate or cause to be operated upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (2003 Code, § 9-119)

**15-121 Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type

approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (2003 Code, § 9-127)

**15-122 Adoption of state regulations.** Pursuant to Tennessee Code Annotated, § 16-18-302(A), traffic ordinances as set forth at Tennessee Code Annotated, § 55-8-101 et seq, Rules of the Road, that are classified as Class C misdemeanors are hereby adopted by reference as Traffic Ordinances of the City of Church Hill. (2003 Code, § 9-129)

**15-123 Restricted use of Elm Springs Road.** The through use of Elm Springs Road within the corporate limits of the city by heavy trucks with a cargo size heavier than one (1) ton is prohibited. (2003 Code, § 9-108)

**15-124 Restricted use of Caldwell Road.** The use of Caldwell Road within the corporate limits of the city by heavy trucks with a cargo size heavier than fifteen (15) tons is forbidden. (2003 Code, § 9-130)

**15-125 Restricted use of Greenland Road.** The use of Greenland Road within the corporate limits of the city by heavy trucks with a cargo size heavier than twelve (12) tons is forbidden. (2003 Code, § 9-131)

**15-126 Restricted use of Old Union Road.** The use of Old Union Road within the corporate limits of the city by heavy vehicle with a cargo size heavier than ten (10) tons is forbidden. (2003 Code, § 9-136)

**15-127 Size, weight, and load.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits in any manner whatsoever which is contrary to or in violation of -any of the provisions contained in Tennessee Code Annotated, chapter 7, title 55. (2003 Code, § 9-132)

**15-128 Operation of vehicles -- Rules of the Road.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless the operation of such vehicle complies in all respects with the requirements set forth

in Tennessee Code Annotated, chapter 8, title 55. It is hereby declared to be a violation of this chapter to operate any motor vehicle within the corporate limits in a manner contrary to the requirements set forth in Tennessee Code Annotated, chapter 8, title 55. In any case of a conflict between the provisions of this Municipal Code and the provisions of Tennessee Code Annotated, chapter 8, title 55, the more restrictive provision shall apply. (2003 Code, § 9-133)

**15-129 Operators to exercise care, maintain lookout.** It shall be unlawful to operate a motor vehicle in such a manner as shall indicate a failure to keep a proper lookout or an absence of due care, having regard to actual and potential hazards, or when special hazards exist with respect to pedestrians or other traffic, or because of weather or street conditions, and in any event speed and operation shall be so controlled as shall be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street or highway in compliance with the legal requirements and the duty of all persons to use due care. (2003 Code, § 9-137)

**15-130 Compliance with financial responsibility law required**

- 1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.
- 2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.
- 3) For the purposes of this section, "financial responsibility" means:
  - a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;
  - b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or

filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated., § 55-12-111; or:

- c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.
- 4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.
- 5) Evidence of compliance after violation. On 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. (2003 Code, § 9-138, modified)

## 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. (2003 Code, § 9-102)

### **15-202 Operation of authorized emergency vehicles<sup>1</sup>:**

- 1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.
- 2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.
- 3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle.
- 4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (2003 Code, § 9-103)

<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles: § 15-501.

**15-203 Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (2003 Code, § 9-104)

**15-204 Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (2003 Code, § 9-105)

**CHAPTER 3**  
**SPEED LIMITS**

**SECTION**

15-301 in general

15-302 In school zones

**15-301 In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (2003 Code, § 9-201)

**15-302 In school zones.** It shall be unlawful for any person to operate or drive a motor vehicle at a speed in excess of twenty (20) miles per hour through any school zone, as designated by the board of mayor and aldermen, in operation or, if no warning flashers are operating, during a period from ninety (90) minutes before school opens to ninety (90) minutes after school closes. (2003 Code, § 9-202, modified)

## **CHAPTER 4**

### **TURNING MOVEMENTS**

#### **SECTION**

15-401 Generally

15-402 Right turns

15-403 Left turns on two-way roadways

15-404 Left turners on other than two-way roadways

15-405 U-turns

**15-401** Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (2003 Code, § 9-301)

**15-402** Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (2003 Code, § 9-302)

**15-403** Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (2003 Code, § 9 303)

**15-404** Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (2003 Code, § 9-304)

**15-405** U-turns. U-turns are prohibited. (2003 Code, § 9-305)

<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## **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. (2003 Code, § 9-402)

**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. (2003 Code, § 9-403)

**15-503** At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- 1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- 2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- 3) A railroad train is approaching within approximately one thousand five hundred (1,500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- 4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (2003 Code, § 9-404)

**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. (2003 Code, § 9-405)

**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. (2003 Code, § 9-406)

**15-506 At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

1) Green alone, or "Go":

- a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

2) Steady yellow alone, or "Caution":

- a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
- b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

3) Steady red alone, or "Stop":

- a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.
- b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

4) Steady red with green arrow:

- a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but

shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

- b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.
- 5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (2003 Code, § 9-407)

**15-507 At flashing traffic-control signals.**

- 1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:
  - a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
  - b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- 2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (2003 Code, § 9-408)

**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. (2003 Code, § 9-409)

**15-509 Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (2003 Code, § 9-410)

<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## **CHAPTER 6**

### **PARKING**

#### **SECTION**

15-601 Generally

15-602 Angle parking

15-603 Occupancy of more than one space

15-604 Where prohibited

15-605 Loading and unloading zones

15-606 Junk vehicles not to be left on street right-of-way

15-607 Presumption with respect to illegal parking

**15-601 Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the 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 (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than twenty-four (24) 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. (2003 Code, § 9-501)

**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 (24) feet. (2003 Code, § 9-502)

**15-603 Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street

or curb designating such space unless the vehicle is too large to be parked within a single designated space. (2003 Code, § 9-503)

**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 (15) feet thereof.
- 4) Within fifteen (15) feet of a fire hydrant.
- 5) Within a pedestrian crosswalk.
- 6) Within fifty (50) feet of a railroad crossing.
- 7) Within twenty (20) feet 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 (75) feet 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. (2003 Code, § 9-504)

**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. (2003 Code, § 9-505)

**15-606 Junk vehicles not to be left on street right-of-way.** No person or firm shall leave or allow to be left on any state, county, or city street right-of-way inside the city any motor vehicle of any kind which is incapable of being operated and which it would not be economically practicable to make operative or which does not display a current valid state vehicle registration tag. (2003 Code, § 9-506)

**15-607 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. (2003 Code, § 9-507)

## **CHAPTER 7**

### **ENFORCEMENT**

#### **SECTION**

15-701 Issuance of traffic citations

15-702 Deposit of chauffeur's or operator's license in lieu of bail

15-703 Failure to obey citation

15-704 Illegal parking

15-705 Impoundment of vehicles

15-706 Disposal of abandoned motor vehicles

15-707 Violation and penalty

**15-701 Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (2003 Code, § 9-601)

#### **15-702 Deposit of chauffeur's or operator's license in lieu of bail.**

- 1) Whenever any person lawfully possessed of a chauffeur's or operator's license issued by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any municipal ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.
- 2) In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charge filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety where disposition by said department shall be made in accordance with provisions of Tennessee Code Annotated. (2003 Code, § 9-602)

<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

- 3) The officer or the court demanding bail, who receives any person's chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.

**15-703 Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (2003 Code, § 9-603)

**15-704 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. (2003 Code, § 9-604, modified)

**15-705 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 so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be seventy-five dollars (\$75.00) and the storage cost shall be fifty dollars (\$50.00) for each twenty-four (24) hour period or fraction thereof during which the vehicle is stored. (2003 Code, § 9-605, as amended by Ord. #16-478, April 2016)

**15-706 Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated. (2003 Code, § 9-606)

**15-707 Violation and penalty.** Any violation of this chapter shall be a

civil offense punishable as follows:

- 1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.
- 2) Parking citations. For parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his fine shall be five dollars (\$5.00). (2003 Code, § 9-604, modified)

**TITLE 16**  
**STREETS AND SIDEWALKS, ETC.<sup>1</sup>**

**CHAPTER**

- 1 MISCELLANEOUS
- 2 EXCAVATIONS AND CUTS
- 3 DRIVEWAYS AND DRAINAGE
- 4 PROPERTY NUMBERING SYSTEM

**CHAPTER 1**  
**MISCELLANEOUS**

**SECTION**

- 16-101 Obstructing streets, alleys, or sidewalks prohibited.
- 16-102 Trees projecting over streets, etc., regulated.
- 16-103 Trees, etc., obstructing view at intersections prohibited.
- 16-104 Projecting signs and awnings, etc., restricted.
- 16-105 Banners and signs across streets and alleys restricted.
- 16-106 Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107 Littering streets, alleys, or sidewalks prohibited.
- 16-108 Obstruction of drainage ditches.
- 16-109 Abutting occupants to keep sidewalks clean, etc.
- 16-110 Parades, etc., regulated.
- 16-111 Animals and vehicles on sidewalks.
- 16-112 Fires in streets, etc.
- 16-113 Street acceptance policy.

**16-101 Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (2003 Code, § 16-101)

**16-102 Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (2003 Code, § 12-102)

<sup>1</sup>Municipal code reference  
Related motor vehicle and traffic regulations: title 15.

**16-103 Trees, etc.**, obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (2003 Code, § 12-103)

**16-104 Projecting signs and awnings, etc.**, restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (2003 Code, § 12-104)

**16-105 Banners and signs across streets and alleys restricted**. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (2003 Code, § 12-105)

**16-106 Gates or doors opening over streets, alleys, or sidewalks prohibited**. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (2003 Code, § 12-106)

**16-107 Littering streets, alleys, or sidewalks prohibited**. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (2003 Code, § 12-107)

**16-108 Obstruction of drainage ditches**. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way including, but not limited to, failure to remove obstructions in any drainage ditch or placement or replacement or any drainage tile or inadequate size (in no event shall any drainage tile be less

than twelve (12) inches in diameter). (2003 Code, § 12-108)

<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-109 Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow or ice from the abutting sidewalk. (2003 Code, § 12-109)

**16-110 Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (2003 Code, § 12-110)

**16-111 Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2003 Code, § 12-112)

**16-112 Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (2003 Code, § 12-113)

**16-113 Street acceptance policy.** To provide for the health, safety, and general welfare of the citizens of Church Hill and to insure adequate

street rights-of-way and street improvement widths, no proposed street shall be accepted as a public street until it has met the street construction standards of the Subdivision Regulations of Church Hill, has been approved and recommended to the city by the Church Hill Planning Commission, and accepted by the board of mayor and aldermen. (2003 Code, § 12-114)

**CHAPTER 2**  
**EXCAVATIONS AND CUTS**

**SECTION**

16-201 Permit required

16-202 Applications.

16-203 Deposit or bond.

16-204 Manner of excavating--barricades and lights--temporary sidewalks.

16-205 Restoration of streets, etc.

16-206 Insurance.

16-207 Time limits.

16-208 Supervision.

**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 the right-of-way there to 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, tile, or other underground facilities in or under the surface of any street or right-of-way there to 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 city recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (2003 Code, § 12-201)

**16-202 Applications.** Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (2003 Code, § 12-202)

**16-203 Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of 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 insure

the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (2003 Code, § 12-204)

**16-204 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. (2003 Code, § 12-205)

**16-205 Restoration of streets, etc.**

- 1) As a condition of being permitted to do so, any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall:
  - a) Without unreasonable delay, back-fill any excavation or tunnel in or under any street, alley, or public place to the base of the pavement or a minimum of nine (9) inches below finished grade, whichever is greater, so as to conform the surface configuration of said street, alley, or public place to a condition ready for suitable and appropriate paving or other surfacing; and,
  - b) Install any utility or other fixture with bedding and haunching material meeting generally accepted engineering standards, and back-filling any excavation or tunnel in or under any street, alley, or public place with appropriate materials, giving special consideration to the existence of clay or unstable soils, excessive groundwater or other unusual loading conditions. In no case shall any material other than as specified in the "Subdivision Regulations of the Church Hill, Tennessee, Regional Planning Commission" for trenches and

back-fill (Article IV. A. 2. d. and e.) be used for back-filling unless approved in writing by the code enforcement officer

- c) The surfacing shall be done or supervised by the city; if, the surfacing is done by the city the city shall be paid promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made.
  - d) In case of unreasonable delay or use of inappropriate materials in restoring any excavation or tunnel in or under any street, alley, or public place:
  - e) The code enforcement officer 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 perform the work and charge the expense of doing the same to such person, firm, corporation, association, or others; and,
  - f) 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.
- 2) The recorder shall give notice of this section in writing to all utility providers within the corporate limits. (2003 Code, § 12-206)

**16-206 Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of anyone (1) person in anyone (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000.00) for bodily injury or death of all persons in anyone (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in anyone (1) accident, occurrence, or act. (2003

Code, § 12-207, modified)

**16-207 Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (2003 Code, § 12-208)

**16-208 Supervision.** The code enforcement officer 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. (2003 Code, § 12-209)

**CHAPTER 3**  
**DRIVEWAYS AND DRAINAGE**

**SECTION**

16-301 Purpose of chapter.

16-302. Installation of tile may be required. 16-303. Requirements for driveways.

16-304. Driveway regulations to be promulgated.

16-305. Property owner responsible for installing tile; lien on property if city does.

16-306. Drainage of wastes into streets prohibited. 16-307. Supplementary enforcement authority.

**16-301 Purpose of chapter.** The purpose of this chapter is to regulate the construction of driveways as herein defined so as to prevent insofar as possible the drainage of water and debris into the street of the city and to require the installation of drainage tile so as to prevent the deterioration and damage to said streets and to require proper and adequate drainage along street where necessary to prevent said damage. (2003 Code, § 12-301)

**16-302 Installation of tile may be required.** The mayor, or any official designated by him may, for the protection of the streets of the city, require the owner of any lot or any part of a lot in the city adjoining a public street to install tile or other carrier of water in the drainage ditch at any point where a driveway enters the street from such lot. The tile shall be of a reasonable size and material prescribed by the mayor or other designated official. (2003 Code, § 12-302)

**16-303 Requirements for driveways.** No driveway shall be constructed, reconstructed, improved, altered or changed unless it shall conform to the following requirements:

- 1) The driveway shall not extend beyond the property line between the street and the private property adjoining.
- 2) The driveway shall be so constructed that no part of the entrance thereof to the street shall be higher than the highest point nor lower than the lowest point in the paved portion of the street upon which it abuts.
- 3) Each such driveway shall have installed, at that point where it adjoins the street right-of-way, a tile sufficient to carry the maximum amount of water anticipated, but in no event shall said tile be less than twelve (12) inches in diameter. Provided however, that this section shall not apply to a driveway at the crest of a hill where water will not drain from above. (2003 Code, § 12-303)

**16-304 Driveway regulations to be promulgated.** The mayor or his designated official shall promulgate, or cause to be promulgated, the rules and regulations governing construction, reconstruction, improvements, alterations, or change of driveways abutting upon municipal streets and the installation of tile or other carriers of water in any drainage ditch hereinabove referred to.

Before beginning any such construction, reconstruction, improvement, alteration, or change, the property owner shall obtain a permit to do so from the city recorder. The fee for such permits shall be fifteen dollars (\$15.00) each. Before such construction, reconstruction, improvement, alteration, or change is substantially completed, the property owner shall notify the city recorder of same. The city recorder shall cause an inspection thereof, and give final approval that such activity complies with the rules and regulations as noted above. The property owner shall be required to make whatever alterations and corrections are necessary and required by the city recorder prior to final approval being given for same. (2003 Code, § 12-304)

**16-305 Property owner responsible for installing tile; lien on property if city does.** The property owner of any lot abutting upon a municipal street must furnish the tile required by this chapter and install same at no cost to the city. In case the property owner shall refuse to so install said tile, the city, as an alternative and in the discretion of the mayor, or other designated official, may direct the recorder to give the owner of the abutting lot or lots written notice specifically setting forth the work to be done and the length of time in which same must be done provided that the time fixed thereby shall not be less than thirty (30) days. If the owner of said lot or lots shall thereafter fail or refuse to build or install said tiles or other carriers of water within the time required by said notice and in conformity with the provisions of this chapter and the rules and regulations promulgated by the mayor, or other designated official, the city may do the work or contract for doing same and pay the cost thereof out of the street funds. In the event that the work is done in this manner, all amounts paid by the city shall become a lien upon such lot or property and may be enforced by attachment at law or in equity or in any other manner provided by law and the amount may be recovered against said owner or owners by suit before any court of competent jurisdiction. The city attorney is authorized to proceed to enforce the lien declared and fixed by law under this chapter. (2003 Code, § 12-305)

**16-306 Drainage of wastes into streets prohibited.** All persons are prohibited from discharging any waste, refuse, garbage, or drainage water of any type, except surface rain water, into any street of the city. (2003 Code, § 12-306)

**16-307 Supplementary enforcement authority.** In addition to all other methods of enforcement authorized or described herein the city may correct any violation hereof by making the installation necessary or correcting any construction, reconstruction, or alteration so as to make the same comply with the provisions of this chapter and may recover from the offending party, including the owner of the property and/or any lessee, tenant, contractor, or subcontractor, the actual amount expended by the city in correcting the violation or bringing the construction into conformity with the provisions of this chapter. The city is further empowered by injunction to restrain the discharge of waste or drainage water, excluding surface water, into the streets. (2003 Code, § 12-307)

**CHAPTER 4**  
**PROPERTY NUMBERING SYSTEM**

**SECTION**

- 16-401 Uniform numbering system adopted
- 16-402 Assignment and display of numbers.
- 16-403 Administration.
- 16-404 Violations.

**16-401 Uniform numbering system adopted.** A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Church Hill, Tennessee, Property Numbering System," which is filed in the office of the recorder, is hereby adopted for use in the City of Church Hill. This map and all explanatory matter thereon is hereby adopted and made a part of this chapter. (2003 Code, § 12-401)

**16-402 Assignment and display of numbers.**

- 1) All properties or parcels of land within the corporate limits of Church Hill shall hereafter be identified by reference to the uniform numbering system adopted herein and all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six (6) months after June 18, 1974.
- 2) A separate number shall be assigned for each fifty (50) feet of frontage.
- 3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located.
- 4) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner so as to be visible from the street on which the property is located and shall be three (3) inches high. (2003 Code, § 12-402)

**16-403 Administration.**

- 1) The municipal building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of § 16-402.
- 2) The building inspector shall keep a record of all numbers assigned under this chapter. (2003 Code, § 16-403)

**16-404 Violations.** Any violation of this chapter shall be a misdemeanor. (2003 Code, § 12-404)

**TITLE 17**  
**REFUSE AND TRASH DISPOSAL<sup>1</sup>**

**CHAPTER**  
**1 GARBAGE AND TRASH**

**CHAPTER 1**  
**GARBAGE AND TRASH**

**SECTION**

- 17-101 Prohibited acts
- 17-102 Containers protected
- 17-103 Private trash inspection prohibited
- 17-104 Containers must be used
- 17-105 Penalty
- 17-106 Fees for extra pick-up
- 17-107 Sanitation officers designated
- 17-108 Pick-up of brush and large items of garbage and debris
- 17-109 Maximum time curbside
- 17-110 Separation for recycling
- 17-111 Refuse at curbside restricted
- 17-112 Additional penalties

**17-101 Prohibited acts.** It shall be unlawful for any person, other than an owner or occupant to place or deposit any type of refuse, garbage, trash, or any other unwanted material in any privately owned, operated, or placed refuse container on the property of any other person or business entity without permission of that person or entity. (2003 Code, § 8-201)

**17-102 Containers protected.** It shall be unlawful for any person, other than the owner of said refuse container to uncover, move, remove, deface, or damage the refuse container in any manner. (2003 Code, § 8-202)

**17-103 Private trash inspection prohibited.** It shall be unlawful for any person to rifle through, pilfer, dig into, or otherwise disturb, scatter, or tamper with the contents of any refuse container. This section is not intended to prohibit the owner or occupant of the property from retrieving articles mistakenly placed in the container. (2003 Code, § 8-203)

**17-104 Containers must be used.** It shall be unlawful for anyone, including the owner or occupant of property lawfully using the refuse container, to strew, lay, place, or otherwise deposit trash, garbage, litter, or any unwanted

materials close to or in the vicinity of the container instead of inside the container. (2003 Code, § 8-204)

<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

**17-105 Penalty.** Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense and each day that trash and litter is allowed by the owner or occupant to lay in the vicinity of the trash container shall be a separate offense. (2003 Code, § 8-205)

**17-106 Fees for extra pick-up.** Property owners or residents who utilize more than one (1) refuse container or who require refuse collection more than once a week shall be charged a fee established by resolution of the board of mayor and alderman for each trash pick-up in excess of one (1) refuse container service per week. Refuse containers may be emptied at the request of the container's owner or user or at the instance of the city, if its sanitation officers determine that the container is full and must be emptied to avoid trash being deposited outside the container. (2003 Code, § 8-206)

**17-107 Sanitation officers designated.** The employees of the public works department of the City of Church Hill are hereby designated sanitation officers for the purpose of enforcing the provisions of this chapter and are authorized and empowered to issue appropriate citations for violations thereof. (2003 Code, § 8-207)

**17-108 Pick-up of brush and large items of garbage and debris.** The city shall collect brush as hereinafter defined on the first Thursday of each month. Tree stumps, trunks, limbs, roots, leaves and other clippings resulting from normal maintenance and care, annual life cycle, or from landscaping or beautification of property will be removed by the City of Church Hill provided that the following conditions are met:

- 1) All stumps, trunks, limbs, roots and other clippings must be cut in to not more than six (6) foot lengths;

- 2) No single piece may exceed fifty (50) pounds in weight;
- 3) Each piece shall be placed on the resident's property where normal garbage and trash pick-up occurs;
- 4) Leaves and other clippings shall be removed only if placed in appropriate containers.

Other large items of garbage and debris will be picked up by the City of Church Hill, Tennessee, on the third Thursday of each month. (2003 Code, § 8-208)

**17-109 Maximum time curbside.** Brush and large items of garbage and debris may not be placed at curbside on or near the resident's property where normal garbage and trash pick-up occurs more than seven (7) days in advance of the scheduled pick-up without having first obtained a permit to do so from the city recorder. There shall be no charge made by the city recorder for the issuance of such a permit. (2003 Code, § 8-209)

**17-110 Separation for recycling.** Brush, large items of garbage and debris, and other refuse shall be separated by residents into like-groups prior to the pick-up of such objects so as to facilitate the recycling of such items to the extent possible. These separated objects shall be placed curbside for pick-up. (2003 Code, § 8-210)

**17-111 Refuse at curbside restricted.** It shall be a municipal offense to place any item defined in this chapter as garbage, brush, debris, or refuse which is intended for pick up by the City of Church Hill, Tennessee, at any place other than at the resident's property where normal garbage and trash pick-up occurs. (2003 Code, § 8-211)

**17-112 Additional penalties.** Violation of §§ 17-109 through 17-111 are declared to be violations of the Church Hill Municipal Code subjecting violators to a fine of not more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense and each day such brush, garbage, debris, or refuse shall remain in violation of this chapter shall constitute a separate offense. (2003 Code, § 8-212)

**TITLE 18**  
**WATER AND SEWER**

**18-101 to 18-1202 deleted and replaced with the following (Ord. 16-482, August 2016)**

**CHAPTER**

- 1 GENERAL PROVISIONS
- 2 GENERAL SEWER USE REQUIREMENTS
- 3 PRETREATMENT OF WASTEWATER
- 4 INDIVIDUAL WASTEWATER DISCHARGE PERMITS
- 5 INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE
- 6 REPORTING REQUIREMENTS
- 7 COMPLIANCE MONITORING
- 8 CONFIDENTIAL INFORMATION
- 9 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE
- 10 ADMINISTRATIVE ENFORCEMENT REMEDIES
- 11 JUDICIAL ENFORCEMENT REMEDIES
- 12 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS
- 13 WASTEWATER TREATMENT RATES AND BILLING
- 14 PRIVATE WASTEWATER DISPOSAL SYSTEMS AND HOLDING TANKS
- 15 SYSTEM EXPANSION

**CHAPTER 1**  
**GENERAL PROVISIONS**

**SECTION**

- 18-101 Purpose and Policy
- 18-102 Administration
- 18-103 Abbreviations
- 18-104 Definitions
- 18-105 Confidential Data
- 18-106 Special Agreements; Extraterritorial Application
- 18-107 Retention of Records
- 18-108 Time of Report Filing
- 18-109 Regulation of Wastewater Received from Other  
Political Jurisdictions

**18-101 Purpose and Policy.** This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Church Hill and enables the City of Church Hill to comply with all applicable State and Federal laws, including the State Pretreatment Requirements (Tennessee Rule -1200-4-14), the Clean Water Act (33United States.Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40

of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are:

- A) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will- interfere with its operation;
- B) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible -with the Publicly Owned Treatment Works;
- C) To protect both Publicly Owned Treatment Works personnel who may be affected by Wastewater and sludge in the course of their employment and the general public;
- D) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F) To enable the City of Church Hill 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 Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein

**18-102 Administration.** Except as otherwise provided herein, the- City of Church Hill shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the City of Church Hill may be delegated by the City of Church Hill to a duly authorized wastewater employee.

**18-103 Abbreviations.** The following abbreviations; when used in this ordinance, shall have the designated meanings:

BOD- Biochemical Oxygen Demand  
BMP- Best Management Practice  
BMR- Baseline Monitoring Report  
CFR- *Code of Federal Regulations*

CIU- Categorical Industrial User  
COD- Chemical Oxygen Demand  
EPA- U.S. Environmental Protection Agency  
gpd- gallons per day  
IU- Industrial User  
mg/l- milligrams per liter  
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  
TSS- Total Suspended Solids  
U.S.C.- United States Code

**18-104 Definitions.** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated. For purposes of this title the word "shall" is mandatory and the word "may" is permissive. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context. Captions of sections and subsections are a matter of convenience for reference only and shall not control or affect the meaning or construction of any term or provision hereof.

- A) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B) Approval Authority. The Tennessee Division of Water Pollution Control Director or his/her representative(s)
- C) Authorized or Duly Authorized Representative of the User.
  - 1) 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 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 {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. .

- 2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - 3) 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.
  - 4) The individuals described in paragraphs 1 through 3, 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 of Church Hill.
- D) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- E) Building Sewer. The extension from the building drain to the public sewer or other place of disposal.
- F) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 201 A and B [Tennessee Rule 1200-4-14-.05(1)(a) and (2)1. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **[Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]**
- G) 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. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- H) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- I) City. The City of Church Hill, Tennessee.
- J) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water. 1
- K) Control Authority. The City of Church Hill.
- L) Daily Maximum. The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.
- M) 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.
- N) Environmental Protection Agency or 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.
- O) Existing Source. Any source of discharge that is not a “New Source.”
- P) Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- Q) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.
- R) Instantaneous Limit. The maximum concentration of a pollutant allowed to be 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.
- S) 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 the collection system.
- T) Local Limit. Specific discharge limits developed and enforced by the City of Church Hill upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).
- U) 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.

V) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

W) 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.

X) New Source.

- 1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that 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; or
  - 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 to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- 2) Construction on a site at which an Existing Source is located results in-a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- 3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - a) Begun, or caused to begin, as part of a continuous onsite construction program:
    - ii) any placement, assembly, or installation of facilities or equipment; or
    - (ii) 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; or

- 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 paragraph.

- Y) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- Z) 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 of the City of Church Hill NPDES TN0021253 permit, including an increase in the magnitude or duration of a violation.
- AA) Person. Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.
- BB) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- CC) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, Tss, turbidity, color, son, con, toxicity, or odor).
- DD) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- EE) Pretreatment Coordinator. The person designated by the City of Church

Hill to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Mayor of Church Hill.

- FF) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a Pretreatment Standard.
- GG) Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- HH) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 201 of this ordinance.
- II) Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of Church Hill. This definition includes any devices or systems used in the 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.
- JJ) Public Sewer. A sewer controlled or maintained by the City.
- KK) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- LL) Service Line. The sanitary sewerage line running from the individual user's premises to the lateral at the property line, or other place of disposal. The size of these lines is generally four (4) inches in diameter.
- MM) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)
- NN) Significant Industrial User (SIU) Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:
- 1) An Industrial User subject to categorical Pretreatment Standards; or
  - 2) An Industrial User that:
    - a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater)
    - b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - c) Is designated as such by the City of Church Hill on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

- 3) The City of Church Hill may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (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 City of Church Hill finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
    - b) The Industrial User annually submits the certification statement required in Section 614 B [see 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.
  - 4) Upon a finding that a user meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City of Church Hill 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 should not be considered a Significant Industrial User.
- OO) Sludge. Solid, semi-solid, or liquid residue generated during treatment of domestic or industrial sewage in a treatment works.
- PP) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 201 of this ordinance; 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.
- QQ) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- RR) Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

- SS) User or Industrial User. A source of indirect discharge.
- TT) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- UU) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- VV) Waters of the State. Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in a single ownership which do not combine or effect a junction with natural surface, or underground waters.

**18-105 Confidential Data.**

- 1) User information or data obtained from reports, surveys, questionnaires, permit applications, wastewater discharge permits, monitoring programs, or from the director's inspection and sampling activities, shall be made available to the public or other governmental agencies in conformance with Tennessee Code Annotated, § 10-7-503 et seq., without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.
- 2) No employee or officer of the City may disclose or use for his private advantage any business information which came into his possession, or to which he gained access, by virtue of his official position or employment, except as authorized by the written policy for handling confidential information. A copy of this policy shall be on file in the office of the director. (2003 Code, § 13-104)

**18-106 Special Agreement; Extraterritorial Application.**

- 1) This title shall not be construed to prevent special agreements or arrangements between the City and any user of the POTW whereby

wastewater of unusual strength or character is accepted into the system and specially treated subject to payment of user charges as may be applicable. The making of such special agreements or arrangements between the City and the user shall be strictly limited to the capability of the POTW to handle such waste without interfering with operations, sludge use and handling, or allowing pass through of pollutants which would result in a violation-of the NPDES permit. No special agreement or arrangement may be made without adequate documentation by the user of sound operation and management practices in reduction of wastewater volume and strength.

Any agreement pursuant to this section shall be null, void, and no longer of effect upon the occurrence of any of the following:

- a) Interferes with POTW operations; or
  - b) Interferes with sludge use, handling, or disposal; or
  - c) Causes pass—through of pollutants; or
  - d) Endangers the health of POTW personnel, environment, or the general public; or
  - e) Causes a violation of the City's NPDES permit; or
  - f) Causes failure of toxicity tests.
- 2) This title shall apply to all persons in the system service area whether inside or outside the corporate limits of the City of Church Hill, Tennessee. (2003 Code, § 13-105).

**18-107 Retention of Records.** All records and reports required by this title shall be retained for a minimum of three (3) years and shall be made available for inspection and copying by the director or appropriate state or federal agencies. This period of retention shall be extended during the course of any unresolved litigation regarding the user, or when requested by the director or appropriate state or federal agencies. (2003 Code, § 13-106)

**18-108 Time of Report Filing.** Written reports shall be deemed to have been submitted on the date of receipt by the director. (2003 Code, § 13-107)

**18-109 Regulation of Wastewater Received from Other Political Jurisdictions.**

- 1) If another public agency, as defined by Tennessee Code Annotated, §12-9-103, contributes wastewater to the POTW, said public agency shall, prior to connecting to the POTW, enter into an inter-local agreement with the City as authorized by the Tennessee Interlocal Co-operation Act.
- 2) Prior to entering into an agreement required by subsection (1), above, the

contributing public agency shall provide the director with the following information:

- a) A description of the quality and volume of wastewater to be discharged to the POTW by the contributing public agency;
  - b) An inventory of all users located within the contributing public agency that will be discharging to the POTW; and
  - c) Such other information as the director may deem necessary
- 3) An inter-local agreement, as required by subsection (1), above, shall contain but not be limited to, the following conditions:
- a) A requirement that a contributing public agency adopt a sewer use ordinance which is at least as stringent as this title and local limits which are at least as stringent as those set out in § 18-201 through 18-204 of this title. The agreement shall specify that such ordinance and limits shall be revised as necessary to reflect changes made to this ordinance or local limits;
  - b) A requirement for the contributing public agency to submit a revised user inventory on at least an annual basis;
  - c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing public agency; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing public agency and the City;
  - d) A requirement for the contributing public agency to provide the director with access to all information the contributing public agency obtains as part of its pretreatment activities;
  - e) Limits on the nature, quality and volume of the contributing public agency's wastewater at the point where it discharges to the POTW;
  - f) Requirements for monitoring the contributing public agency's discharge;
  - g) A provision ensuring the director, or his designee, access to the facilities of users located within the contributing public agency's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the director; and
  - h) A provision providing that any proposed new non-domestic user shall complete an application questionnaire, in a form approved by the director, prior to discharging to lines connected to the POTW; and
  - i) A provision specifying remedies available for breach of the terms of the inter-local agreement.

- 4) Any Contributing public agency shall also comply with all parts of Chapters 3 through 11 of this title. (2003 Code, §13-108).

## **CHAPTER 2**

### **GENERAL SEWER USE REQUIREMENTS**

#### **SECTION**

- 18-201 Prohibited Discharge Standards
- 18-202 National Categorical Pretreatment Standards
- 18-203 State Pretreatment Standards
- 18-204 Local Limits
- 18-205 City of Church Hill Right of Revision
- 18-206 Dilution
- 18-207 Requirements for Proper Wastewater Disposal
- 18-208 Physical Connections to the Public Sewer
- 18-209 Inspection of Connections
- 18-210 Maintenance of Building Sewers

#### **18-201 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 they are 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:
  - 1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - 2) Wastewater having a pH less than 5.0 or more than 9, or otherwise causing corrosive structural damage to the POTW or equipment;
  - 3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference;
  - 4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singularly or by interaction with other pollutants, will cause Interference with the POTW;
  - 5) Wastewater having a temperature greater than 104 degrees F, (40 degrees C) or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C) ;
  - 6) Petroleum oil, non—biodegradable cutting oil, or products of

mineral oil origin, in amounts that will cause Interference or Pass Through;

- 7) 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;
- 8) Trucked or hauled pollutants, except at discharge points designated in accordance with Section 304 of this ordinance;
- 9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singularly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- 10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City of Church Hill NPDES permit;
- 11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- 12) Storm Water, surface water, ground water, artesian well water, roof runoff;
- 13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- 14) Medical Wastes, except as specifically authorized by the Mayor or City Recorder;
- 15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test; and
- 16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in 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.

**18-202 National Categorical Pretreatment Standards.** Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- A) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Pretreatment Coordinator shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).
- B) The City of Church Hill may develop Best Management Practices (BMPs),

by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 201.

- C) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 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. [Note: See 40 CFR 403.6(c)(8)]
- D) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City of Church Hill 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 City of Church Hill 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. [Note See 40 CFR 403.6(c)(9)]

**18-203 State Pretreatment Standards.** Users must comply with the Tennessee Department of Environment and Conservation codified at Nashville, Tennessee.

**18-204 Local Limits.** The Pretreatment Coordinator is authorized to establish Local Limits pursuant to Tennessee Rule 1200-4-14-.05(3).

The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following:

	Daily Max Local Limit 2x monthly avg.	Monthly Average Local Limit at .5 MGD
Arsenic	0.67338	0.33669
Copper	1.80306	0.90153
Chromiumii	2.2464	1.1232
Chromiumvi	2.2482	1.1241
Chromium	1.38105	0.690525
Nickel	2.23452	1.11726
Cadmium	0.24831	0.124155
Lead	0.8064	0.4032
Mercury	0.01431	0.007155

Zinc	1.7604	0.8802
Molybdenum	1.37259	0.686295
Selenium	1.09125	0.545625
Silver	0.0846	0.0423
Cyanide	0.7884	0.3942
Toluene	1.887318	0.943659
Benzene	0.11376	0.05688
1,1,1- Trichloroethane	2.2464	1.1232
Ethybenzene	0.3564	0.1782
Carbon Tetrachloride	13.4964	6.7482
Chloroform	1.981152	0.990576
Tetrachloroethylene	1.24641	0.623205
Trichloroethylene	0.8964	0.4482
1,2 Transdichloroethylene	0.0639	0.03195
Methyl Chloride	0.84735	0.423675
Total Suspended Solids		250mg/l
BOD		250mg/l
Oil & Grease		100mg/l
pH		5.0-10.0 S.U.

*The above limits apply at the point where the wastewater is discharged to total metal unless indicated otherwise.*

**18-205 The City of Church Hill Right of Revision.** The City of Church Hill reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

**18-206 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 City of Church Hill 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.

**18-207 Requirements for Proper Wastewater Disposal**

- 1) it shall be unlawful to discharge to any waters of the state any wastewater

or other polluted water, except where suitable treatment has been provided in accordance with the provisions of this title

- 2) Except as hereinafter provided, it shall be unlawful to construct or maintain a private wastewater disposal system within the City.
- 3) Except as provided in this section, the owner and/or occupant of any house, building or property used for human occupancy, employment, industry, recreation or other purposes situated, where sewers are available, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this title and the plumbing codes of the City within sixty (60) days after the date of official notice to do so, provided that said sewer is within two hundred (200) feet of the structure and at suitable elevation. For purposes of this section, "suitable elevation" shall be applicable only to residential structures. For all other uses, the owner is required to connect to the sewer by any means available including the use of a pump to carry the sewage to a higher elevation provided pumping equipment is commercially available to accomplish this task. Any residence, business or industrial establishment having sewers available for sixty (60) days shall be considered a user whether connected or not and shall be subject to paying all valid charges imposed by the City code and appropriate fees as established by resolution of the Board of Mayor and Aldermen.
- 4) Where a sewer is not available, the building shall be connected to a private wastewater disposal system complying with the provisions of chapter 4 of this title and any requirements of the state.
- 5) An industrial facility may discharge wastewater to the waters of the state provided that it obtains an NPDES permit and meets all the requirements of the Federal Clean Water Act, the 'NPDES permit, and any other applicable local, state or federal. statutes and regulations. Such facility shall be considered a user of the public sewers or the POTW only if it contributes, causes or permits the contribution of wastewater into the POTW.
- 6) All industrial users not holding an NPDES permit shall be required to connect to the POTW if a public sewer is available.
- 7) Trunk and interceptor lines and appurtenances outside the City limits must be installed to meet the code specifications of the City then in effect. Upon completion and prior to acceptance by the Board of Mayor and Aldermen each project or addition must be inspected to insure code compliance. The transfer of ownership of each addition must include easements for maintenance and the exclusive right to control the lines and appurtenances

as set forth in the governing codes. (2003 Code, §13-301, as amended by Ord. 11-445, July 2011)

**18-208 Physical Connections to the Public Sewer.**

- 1) All sanitary sewers and appurtenances to be connected to the POTW, where located inside or outside the City limits, shall be installed in conformance with state and City code specifications then in effect. Upon completion and prior to acceptance by the Board of Mayor and Aldermen, each project or addition shall be inspected and approved by the City to ensure compliance. Building sewers and service lines 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 Federation Manual of Practice No. 9. No other conduit shall be laid parallel to and within five (5) feet of any house sewer. All excavations for building sewer installations 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 City.
- 2) No acceptance shall be made of sewers or sewer lines unless and until easements are provided for maintenance with the exclusive right to control the lines and appurtenances as set forth in the governing codes.
- 3) No person shall fill, cover, uncover, make any connection to, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- 4) All costs and expenses incident to the installation, connection and inspection of the building sewer, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The director shall assess a charge against the user for work required to repair damages and add such charge to the user's sewer service charge.
- 5) Building sewers shall conform to all applicable building and plumbing codes of the City.
- 6) Previously existing building sewers may be used in connection with new buildings only when they are found upon examination and testing by the City to meet all requirements of this title. All others shall be sealed to the specifications of the building official;
- 7) No person shall connect roof down spouts, exterior foundation drains, areaway drains, or any other drain used exclusively for the carrying away of precipitation, ground water, or surface water run-off to a building sewer

which is connected directly or indirectly to the POTW, unless specifically authorized by the director.

- 8) Each building connected with a sanitary sewer shall have its own separate building sewer connecting it with the sanitary sewer main, except that when several small houses are on the same lot and have the same owner, they may, if approved by the building official, have their separate fixtures connected with one large house sewer. Each apartment or dwelling unit within a building shall be considered as a separate customer and shall be billed accordingly, at prevailing rates. (2003 Code, § 13-302)

**18-209 Inspection of Connections.** All connections from the building to the public sewer line shall be inspected by the City to ensure compliance with this title and all building code requirements. (2003 Code, § 13-303)

**18-210 Maintenance of Building Sewers.** Each individual user of the POTW shall be entirely responsible for maintenance of the building sewer. Said maintenance shall include repair or replacement as deemed necessary by the City. (2003 Code, § 13-304)

**CHAPTER 3**  
**PRETREATMENT OF WASTEWATER**

**SECTION**

18-301 Pretreatment Facilities

18-302 Additional Pretreatment Measures

18-303 Accidental Discharge/Slug Discharge Control Plans

18-304 Hauled Wastewater

**18-301 Pretreatment Facilities.** Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 201 of this ordinance within the time limitations specified by EPA, the State, or the City of Church Hill, 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 pretreatment coordinator for review, and shall be acceptable to the pretreatment coordinator 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 of Church Hill under the provisions of this ordinance.

**18-302 Additional Pretreatment Measures.**

- A) Whenever deemed necessary, the City of Church Hill 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 ordinance.
- B) The City of Church Hill 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 may be issued solely for flow equalization.
- C) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, 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 City of Church Hill,

shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense.

- D) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**18-303 Accidental Discharge/Slug Discharge Control Plans.** The Pretreatment Coordinator shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Pretreatment Coordinator 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 Pretreatment Coordinator may develop such a plan for any user. 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;
- C) Procedures for immediately notifying the Pretreatment Coordinator of any accidental or Slug Discharge, as required by Section 606 of this ordinance;
- D) Procedures to prevent adverse impact from any accidental 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
- E) The certification statement below must be submitted with each self-monitoring compliance report:

*“Based on my inquiry of the person or persons directly responsible for, managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, that toxic organics are not used and therefore no dumping of concentrated toxic organics into the wastewater has occurred since filing of the last discharge monitoring report.”*

**18-304 Hauled Wastewater.**

- A) Septic tank waste may be introduced into the POTW only at locations designated by the City of Church Hill, and at such times as are established by the City of Church Hill. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the City of Church Hill.

- B) The City of Church Hill may require haulers of industrial waste to obtain individual wastewater discharge permits. The City of Church Hill may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The City of Church Hill also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- C) 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.
- D) Industrial waste haulers may discharge loads only at locations designated by the City of Church Hill. No load may be discharged without prior consent of the City of Church Hill, also the City of Church may collect samples of each hauled load to ensure compliance with applicable Standards. The City of Church Hill may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

**CHAPTER 4**  
**INDIVIDUAL WASTEWATER DISCHARGE PERMITS**

**SECTION**

- 18-401 Wastewater Analysis
- 18-402 Individual Wastewater Discharge Permit Requirement
- 18-403 Individual Wastewater Discharge Permitting: Existing Connections
- 18-404 Individual Wastewater Discharge Permitting: New Connections
- 18-405 Individual Wastewater Discharge Permit Application
- 18-406 Wastewater Discharge Permitting: General Permits
- 18-407 Application Signatories and Certifications
- 18-408 Individual Wastewater Discharge Permit Decisions

**18-401 Wastewater Analysis.** When requested by the City of Church Hill, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The City of Church Hill is authorized to prepare a form for this purpose and may periodically require users to update this information.

**18-402 Individual Wastewater Discharge Permit Requirement.**

- A) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the City of Church Hill, except that a Significant Industrial User that has filed a timely application pursuant to Section 403 of this ordinance may continue to discharge for the time period specified therein.
- B) The City of Church Hill may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

**18-403 Individual Wastewater Discharge Permitting ; Existing Connections.** Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall,

within thirty (30) days after said date, apply to the City of Church Hill for an individual wastewater discharge permit in accordance with Section 406 of this ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the City of Church Hill.

**18-404 Individual Wastewater Discharge Permitting: New Connections.** Any user required to obtain an individual wastewater discharge 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, in accordance with Section 406 of this ordinance, must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence.

**18-405 Individual Wastewater Discharge Permit Application Contents.**

A) All users required to obtain an individual wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under Section 406. The City of Church Hill may require users to submit all or some of the following information as part of a permit application:

- 1) Identifying information.
  - a) The name and address 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.
- 2) Environmental permits. A list of any environmental control permits held by or for the facility.
- 3) 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 of the operation(s) carried out by such user. This description should 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 and type of employees, hours of operation, and proposed or actual hours of operation;

- d) Type and amount of raw materials processed (average and maximum per day);
  - e) 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;
- 4) Time and duration of discharges;
  - 5) The location for monitoring all wastes covered by this permit;
  - 6) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 202 C (Tennessee rule 1200-4-14-.06(5));
  - 7) Measurement of pollutants.
    - a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
    - b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator, of regulated pollutants in the discharge from each regulated process.
    - 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 Section 610 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard.
    - e) Sampling must be performed in accordance with procedures set out in Section 611 of this ordinance.
  - 8) Any request to be covered by a general permit based on Section 406;
  - 9) Any other information as may be deemed necessary by the City of Church Hill to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**18-406 Wastewater Discharge Permitting: General Permits.**

- A) At the discretion of the City of Church Hill, the Pretreatment Coordinator 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:

- 1) Involve the same or substantially similar types of operations;
  - 2) Discharge the same types of wastes;
  - 3) Require the same effluent limitations;
  - 4) Require the same or similar monitoring; and
  - 5) In the opinion of the Pretreatment Coordinator, 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, and any other information the POTW deems appropriate.
- C) The Pretreatment-Coordinator will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 406 A(1) to (5) 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. [**Note See 40 CFR 403.8 (f) (1) (iii) (A) (1) through (5).**]
- D) The Pretreatment Coordinator may not control an 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 or for IUs whose limits are based on the Combined wastestream Formula (Section 202 C) or Net/Gross calculations (Section 202 D). [**Note: See 40 CFR 403.6(e) and 40 CFR 403.15]**]

#### **18-407 Application Signatories and Certifications.**

- A) All wastewater discharge permit applications, user reports and certification statements must be signed by an Authorized Representative of the user and contain the certification statement in Section 614 A. [**Note: Definition of Authorized Representative has been revised, see definition at Section 104 C]**]
- B) If the designation of an 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 City of Church Hill prior to or together with any reports to be signed by an Authorized Representative.

C) A facility determined to be a Non-Significant Categorical Industrial User by the Pretreatment Coordinator pursuant to 104 KK(3) must annually submit the signed certification statement in Section 614 B. [**Note: See 40 CFR 403.3(V) (2)**]

## **CHAPTER 5**

### **INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

#### **SECTION**

- 18-501 Individual Wastewater Discharge Permit Duration
- 18-502 Individual Wastewater Discharge Permit Contents
- 18-503 Permit Modification
- 18-504 Individual Wastewater Discharge Permit
- 18-505 Individual Wastewater Discharge Permit Revocation
- 18-506 Individual Wastewater Discharge Permit Reissuance
- 18-507 Regulation of Waste Received from Other Jurisdictions

#### **18-501 Individual Wastewater Discharge Permit Duration.**

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Pretreatment Coordinator. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

#### **18-502. Individual Wastewater Discharge Permit Contents.**

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Pretreatment Coordinator 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.

A) Individual wastewater discharge permits must contain:

- 1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date; [**Note: See Section 18-501.**]
- 2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City of Church Hill in accordance with Section 18-504 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- 3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- 4) 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, sampling frequency, and sample type based on Federal, State, and local law;

- 5) A 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 applicable Federal, State, or local law; and
  - 6) Requirements to control Slug Discharge, if determined by the Pretreatment Coordinator to be necessary
- B) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions;
- 1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - 2) Requirements for the 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;
  - 3) 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;
  - 4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - 5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - 6) Requirements for installation and maintenance of inspection and sampling facilities and equipment including flow measurement devices;
  - 7) A statement that compliance with the individual wastewater discharge 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; and
  - 8) Other conditions as deemed appropriate by the City of Church Hill to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

**18-503 Permit Modification.**

- A) The Pretreatment Coordinator may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons;
- 1) To incorporate any new or revised Federal, State, or local

- Pretreatment Standards or Requirements;
- 2) 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 issuance;
  - 3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - 4) Information indicating that the permitted discharge poses a threat to the City of Church Hill POTW, wastewater treatment personnel, or the receiving waters;
  - 5) Violation of any terms or conditions of the individual wastewater discharge permit;
  - 6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - 7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to Tennessee Rule 1200-4-14-.13;
  - 8) To correct typographical or other errors in the individual wastewater discharge permit; or
  - 9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 504.

#### **18-504 Individual Wastewater Discharge Permit Transfer.**

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the City of Church Hill and the City of Church Hill approves the individual wastewater discharge permit transfer. The notice to the City of Church Hill 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; and
- C) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

#### **18-505 Individual Wastewater Discharge Permit Revocation.**

The Pretreatment Coordinator may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A) Failure to notify the Pretreatment Coordinator of significant changes to the wastewater prior to the changed discharge;

- B) Failure to provide prior notification to the Pretreatment Coordinator of changed conditions pursuant to Section 605 of this ordinance;
- 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 Pretreatment Coordinator timely access to the facility premises and records;
- G) Failure to meet effluent limitations;
- H) Failure to pay fines;
- 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 wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user.

**18-506 Individual Wastewater Discharge Permit Reissuance.**

A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 405 of this ordinance, a minimum of 30 days prior to the expiration of the user's existing individual wastewater discharge permit.

**18-507 Regulation of Waste Received from Other Jurisdictions.**

- A) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Pretreatment Coordinator shall enter into an intermunicipal agreement with the contributing municipality.
- B) Prior to entering into an agreement required by paragraph A, above, the Pretreatment Coordinator shall request the following information from the contributing municipality:
  - 1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - 2) An inventory of all users located within the contributing

- municipality that are discharging to the POTW; and
- 3) Such other information as the City of Church Hill may deem necessary
- C) An inter-municipal agreement, as required by paragraph A, above, shall contain the following conditions:
- 1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 204 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Church Hill ordinance or Local Limits;
  - 2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
  - 3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by Pretreatment Coordinator; and which of these activities will be conducted jointly by the contributing municipality and the City of Church Hill;
  - 4) A requirement for the contributing municipality to provide the City of Church Hill with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  - 5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  - 6) Requirements for monitoring the contributing municipality's discharge;
  - 7) A provision ensuring the Pretreatment Coordinator 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 Pretreatment Coordinator; and
  - 8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

## **CHAPTER 6**

### **REPORTING REQUIREMENTS**

#### **SECTION**

- 18-601 Baseline Monitoring Reports
- 18-602 Compliance Schedule Reports
- 18-603 Reports on Compliance With Categorical Pretreatment Standard Deadline
- 18-604 Periodic Compliance Reports
- 18-605 Reports of Changed Conditions
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- 18-609 Notification of the Discharge of Hazardous Waste
- 18-610 Analytical Requirements
- 18-611 Sample Collection
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- 18-613 Record-Keeping
- 18-614 Certification Statements

#### **18-601 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 1200-4-14-.06(l)(d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Pretreatment Coordinator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Pretreatment Coordinator a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B) Users described above shall submit the information set forth below.
  - 1) All information required in Section 405 A (1) (a), Section 405 A (2), Section 405 A (3) (a), and Section 405 A (6). [Note: See 40 CFR 403.12(b)(1)-(7)1
  - 2) Measurement of pollutants.
    - a) The user shall provide the information required in Section 405 A (7) (a) through (d).

- b) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - 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 1200-4-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the Control Authority;
  - d) Sampling and analysis shall be performed in accordance with Section 610;
  - e) The City of Church Hill 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;
  - 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.
- 3) Compliance certification. A statement, reviewed by the user's Authorized Representative as defined in Section 104' 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.
- 4) 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 Section 6.2 of this ordinance.

- 5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 614 A of this ordinance and signed by an Authorized Representative as defined in Section 104 C.

**18-602 Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by Section 601(B)(4) of this ordinance:

- 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 pretreatment Coordinator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or no 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; and
- D) In no event shall more than nine (9) months elapse between such progress reports to the pretreatment coordinator.

**18-603 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 Pretreatment Coordinator a report containing the information described in Section 405 A (6) and (7) and 601(B)(2) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 202 [**Note: See 40 CFR 403.6(c)**], 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 Section 614 A of this ordinance. All sampling will be

done in conformance with Section 611.

**18-604 Periodic Compliance Reports.**

- A) All Industrial Users must, at a frequency determined by the City of Church Hill submit no less than twice per year 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 City of Church Hill or the Pretreatment Standard necessary to determine the compliance status of the user.
- B) All periodic compliance reports must (be signed and certified in accordance with Section 614 A of this ordinance.
- C) 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.
- D) 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 Pretreatment Coordinator, using the procedures prescribed in Section 611 of this ordinance, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]
- E) Users that send electronic (digital) documents to the pretreatment coordinator to satisfy the requirements of this Section must assure delivery of said document by the 15th of each preceding month.

**18-605 Reports of Changed Conditions.** Each user must notify the Pretreatment Coordinator of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

- A) The Pretreatment Coordinator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 405-of this ordinance.
- B) The Pretreatment Coordinator may issue an individual wastewater discharge permit under Section 506 of this ordinance or modify an existing wastewater discharge permit under Section 503 of this ordinance in

response to changed conditions or anticipated changed conditions.

**18-606 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 non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Pretreatment Coordinator 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.
- B) Within five (5) days following such discharge, the user shall, unless waived by the Pretreatment Coordinator, 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 might be incurred 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 fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- 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 paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D) Significant Industrial Users are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a Slug Discharge.

**18-607 Reports from Unpermitted Users.** All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Pretreatment Coordinator as the Pretreatment Coordinator may require.

**18-608 Notice of Violation/Repeat Sampling and Reporting.**

If sampling performed by a user-indicates a violation, the user must notify the Pretreatment Coordinator 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 Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City of Church Hill performs sampling at the user's facility at

least once a month, or if the City of Church Hill performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the City of Church Hill receives the results of this sampling, or if the City of Church Hill has performed the sampling and analysis in lieu of the Industrial User.

**18-609 Notification of the Discharge of Hazardous Waste.**  
**THE CITY OF CHURCH HILL PROHIBITS THE DISCHARGE OF HAZARDOUS WASTE.**

**18-610 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 by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Coordinator or other parties approved by EPA.

**18-611 Sample Collection.** Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. **[Note: The Control Authority is required to indicate the frequency of monitoring necessary to assess and assure compliance by the user with applicable Pretreatment Standards and Requirements.]**

- A) Except as indicated in Section B and C below, the user must collect wastewater samples using 24-hour flow- proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator. Where time-proportional, composite sampling or grab sampling is authorized by [the City], 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 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 in 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 City of Church Hill, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- 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 90-day compliance reports required in Section 601 and 603 [Tennessee Rule 1200-4-14-.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 sampling data are available, the Pretreatment Coordinator may authorize a lower minimum. For the reports required by paragraphs Section 604 (Tennessee Rule 1200-4-14-.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.

**18-612 Date of Receipt of Reports.** Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

**18-613 Recordkeeping.** Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, 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 established under Section 202 B. 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. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Church Hill, or where the user has been specifically notified of a longer retention period by the Pretreatment Coordinator.

**18-614 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 Section 407; users submitting baseline monitoring reports under Section 601 B (5) [**Note:- See 40 CFR 403.12 (1)**]; users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 603 [**Note: See 40 CFR 403.12(d)**]; users submitting periodic compliance reports required by Section 604 A-C [**Note: See 40 CFR 403.12 (e) and (h)**], and users submitting an initial request to forego sampling of a pollutant on the basis of Section 604 B(4) [**Note: See 40 CFR 403.12(e) (2) (iii)**] . The following certification statement must be signed by an Authorized Representative as defined in Section 104 C:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted; Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

- B) Annual Certification for Non-Significant Categorical Industrial Users-A facility determined to be a Non-Significant Categorical Industrial User by the Pretreatment Coordinator pursuant to 104 KK(3) and 407 C [**Note: See 40 CFR 403.3(v)(2)**] must annually submit the following certification statement signed in accordance with the signatory requirements in 104 C [**Note: See 40 CFR 403.120(1)**]. This certification must accompany an alternative report required by the Pretreatment Coordinator:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_, \_\_\_\_, \_\_\_\_ to \_\_\_\_, \_\_\_\_, \_\_\_\_ [months, days, year]:

- (a) The facility described as [facility name] met the definition, of a Non-Significant Categorical Industrial User as described in 104 KK (3); [**Note: See 40 CFR 403.3(v)(2)**]
- (b)The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) the facility never discharged more than 100 gallons of total categorical

wastewater on any given day during this reporting period.  
This compliance certification is based on the following information;

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**CHAPTER 7**  
**COMPLIANCE MONITORING**

**SECTION**

18-701 Right of Entry: Inspection and Sampling

18-702 Search Warrants

**18-701 Right of Entry: Inspection and Sampling.**

The Pretreatment Coordinator shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Pretreatment Coordinator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City of Church Hill shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B) The City of Church Hill shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C) The City of Church Hill 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 to ensure their accuracy.
- D) 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 City of Church Hill and shall not be replaced. The costs of clearing such access shall be born by the user.
- E) Unreasonable delays in allowing the City of Church Hill access to the user's premises shall be a violation of this ordinance.

**18-702 Search Warrants.** If the City of Church Hill has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine

inspection and sampling program of the City of Church Hill designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the City of Church Hill may seek issuance of a search warrant from the Hawkins County Circuit Court of Tennessee at Rogersville.

**CHAPTER 8**  
**CONFIDENTIAL INFORMATION**

**SECTION**

18-801 Confidential Information

**18-801 Confidential information.** Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs and from the Pretreatment Coordinator inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Pretreatment Coordinator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets 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 request to governmental agencies for uses related to the NPDES program or pretreatment program, and in 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.

**CHAPTER 9**  
**PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

**SECTION**

18-901 Publication of Users in Significant Noncompliance

**18-901 Publication of Users in Significant Noncompliance.** The City of Church Hill shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C) (D) or (H) of this section) and shall mean:

- A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2; [see **40 CFR 403.3(1)**]
- B) 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 equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); [see **40 CFR 403.3(1)**]
- C) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Pretreatment Coordinator determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public; [see **40 CFR 403.3(1)**]
- D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Pretreatment Coordinator's exercise of its emergency authority to halt or prevent such a discharge;
- E) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing

- construction, or attaining final compliance;
- F) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - G) Failure to accurately report noncompliance; or
  - H) Any other violation(s), which may include a violation of Best Management Practices, which the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

**CHAPTER 10**  
**ADMINISTRATIVE ENFORCEMENT REMEDIES**

**SECTION**

- 18-1001 Notification of Violation
- 18-1002 Consent Orders
- 18-1003 Show Cause Hearing
- 18-1004 Compliance Orders
- 18-1005 Cease and Desist Orders
- 18-1006 Administrative Fines
- 18-1007 Emergency Suspensions
- 18-1008 Termination of Discharge

**18-1001 Notification of Violation.** When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may serve upon that user a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Pretreatment Coordinator. Submission of 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 authority of the Pretreatment Coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

**18-1002 Consent Orders.** The City of Church Hill may enter into Consent Orders, assurances of 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 specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 1004 and 1005 of this ordinance and shall be judicially enforceable.

**18-1003 Show Cause Hearing.** The City of Church Hill may order a user which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City of Church Hill 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 the 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 Section 104 C and required by Section 407 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

**18-1004 Compliance Orders.** When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**18-1005 Cease and Desist Orders.** When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or "that the user's past violations are likely to recur, the Pretreatment Coordinator 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 preventive 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

**18-1006 Administrative Fines.**

- A) When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the pretreatment coordinator may fine such user in an amount at least \$1,000.00 a day for each violation. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of 5.25% percent of the unpaid balance, and interest shall accrue thereafter at a rate of 5.25% percent per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.
- C) Users desiring to dispute such fines must file a written request for the Pretreatment Coordinator to reconsider the fine along with full payment of the fine amount within Fifteen (15) days of being notified of the fine. Where a request has merit, the City of Church Hill may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City of Church Hill may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

**18-1007 Emergency Suspensions.** The City of Church Hill 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 City of Church Hill may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Pretreatment Coordinator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City of Church Hill may allow the use to recommence its

discharge when the user has demonstrated to the satisfaction of the Pretreatment Coordinator that the period of endangerment has passed, unless the termination proceedings in Section 1008 of this ordinance are initiated against the user.

- B) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City of Church Hill prior to the date of any show cause or termination hearing under Sections 1003 or 1008 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

**18-1008 Termination of Discharge.** In addition to the provisions in Section 505 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A) Violation of individual wastewater discharge permit conditions;
- B) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E) Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 1003 of this ordinance why the proposed action should not be taken. Exercise of this option by the City of Church Hill shall not be a bar to, or a prerequisite for, taking any other action against the user.

**CHAPTER 11**  
**JUDICIAL ENFORCEMENT REMEDIES**

**SECTION**

- 18-1101 Injunctive Relief
- 18-1102 Civil Penalties
- 18-1103 Criminal Prosecution
- 18-1104 Remedies Nonexclusive

**18-1101 Injunctive Relief.** When the Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City of Church Hill may petition the Hawkins County Chancery Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The City of Church Hill 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

**18-1102 Civil Penalties.**

- A) A user who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City of Church Hill for a maximum civil or criminal penalty of at least \$1,000 and not exceed \$10,000 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 Church Hill may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Church Hill.
- 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.

**18-1103 Criminal Prosecution.**

- A) A user who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine of at least \$1000 and not exceed \$10,000 per violation, per day, or imprisonment for not more than eleven (11) months twenty-nine (29) days.
- B) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000, and not exceed \$10,000 or be subject to imprisonment for not more than eleven (11) months twenty-nine (29) days or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, per day, or imprisonment for not more than eleven (11) months twenty-nine (29) days.
- D) In the event of a second conviction, a user shall be punished by a fine of at least \$1,000 per violation, per day, and not to exceed \$10,000 per violation, per day or imprisonment for not more than eleven (11) months twenty-nine (29) days.

**18-1104 Remedies Nonexclusive.** The remedies provided for in this ordinance are not exclusive. The City of Church Hill 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's enforcement response plan. However, the City of Church Hill may take other action against any user when the circumstances warrant. Further, the City of Church Hill is empowered to take more than one enforcement action against any noncompliant user.

**CHAPTER 12**  
**AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

**SECTION**

18-1201 Upset

18-1202 Prohibited Discharge Standards

18-1203 Bypass

**18-1201 Upset.**

- A) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the 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.
- B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- 1) An upset occurred and the user can identify the cause(s) of the upset;
  - 2) 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
  - 3) The user has submitted the following information to the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
    - a) A description of the indirect discharge and cause of noncompliance
    - b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E) Users shall have the opportunity for a judicial determination on any claim

of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

- F) 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.

**18-1202 Prohibited Discharge Standards.** A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 201 A of this ordinance or the specific prohibitions in Sections 201 B(3) through (16) of this ordinance 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 discharged 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 City of Church Hill was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

**18-1203 Bypass.**

- A) For the purposes of this Section,
- 1) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - 2) 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) 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 paragraphs (C) and (D) of this Section.
- C) Bypass Notifications

- 1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the City of Church Hill, at least ten (10) days before the date of the bypass, if possible.
- 2) A user shall submit oral notice to the Pretreatment Coordinator of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it 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 City of Church Hill may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

#### D) Bypass

- 1) Bypass is prohibited, and the Pretreatment Coordinator may take an enforcement action against a user for a bypass, unless:
  - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate 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
  - c) The user submitted notices as required under paragraph (C) of this section.
- 2) The City of Church Hill may approve an anticipated bypass, after considering its adverse effects, if the City of Church Hill determines that it will meet the three conditions listed in paragraph (D) (1) of this Section.

**CHAPTER 13**  
**WASTEWATER TREATMENT RATES AND BILLING**

**SECTION**

- 18-1301 Purpose
- 18-1302 Authorization to Establish Charges and Fees
- 18-1303 Inspection Fees and Tap-on Fees
- 18-1304 Sewer Use Charges
- 18-1305 Billing
- 18-1306 User Rates
- 18-1307 Tap Fees
- 18-1308 Reconnection Fees
- 18-1309 Inspection Fee
- 18-1310 Application Fee
- 18-1311 Septic Tank trucks Annual Permit Fee
- 18-1312 Extra Strength Surcharge
- 18-1313 Sampling and Flow Monitoring Charges
- 18-1314 Hardship Provisions
- 16-1315 Pretreatment Charges and Fees

**18-1301 Purpose.** The purpose of this chapter is to provide for equitable recovery of costs from users of the City's POTW, including costs of operation, maintenance, administration, bond service, inspection and monitoring, testing, capital improvements, depreciation and equitable cost recovery of EPA-administered federal wastewater grants. (2003 Code, § 13-1101).

**18-1302 Authorization to Establish Charges and Fees.** The Board of Mayor and Aldermen may adopt by resolution reasonable charges and fees which shall include but not be limited to:

- 1) Inspection fees and tapping fees;
- 2) Sewer user charges;
- 3) Surcharge fees;
- 4) Wastewater discharge permit fees including the cost of processing such applications;
- 5) Monitoring; inspection, and surveillance fees which shall include the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users;
- 6) Fees for reviewing and responding to accidental discharges;
- 7) Fees for filing appeals, including but not limited to attorney's fees and enforcement fees;

- 8) Application fees; and
- 9) Such other fees as may be deemed necessary from time to time to carry out the requirements of this title. These fees relate solely to the matters covered by this title and are separate from all other fees, fines, and penalties the City is authorized to levy. (2003 Code, §13-1102)

**18-1303 Inspection Fees and Tap-on Fees.**

- 1) A tap-on fee shall be collected from each person issued a sewer connection permit to help defray the cost of the sewer system for each user, who has not participated in an improvement district, prior to connection to the system according to the schedule adopted by the Board of Mayor and Aldermen.
- 2) A tap-on fee will not be permitted in lieu of participation in an improvement district. Where a tap-on fee is paid prior to creation of an improvement district serving the property, it will be credited against the assessment of an improvement district later created serving the property.
- 3) In the event that the Board of Mayor and Aldermen may, in its discretion, exercise its powers to extend sewer services by means other than the improvement district concept, and in keeping with the provisions of the applicable ordinance pertaining to municipal public works projects, it is further provided that the Board of Mayor and Aldermen shall establish by ordinance a schedule of tap-on fees including but not limited to the following categories of use:
  - a) Vacant lots or parcels;
  - b) Existing residence, row houses, with existing septic tank;
  - c) Additional existing units on same lot or parcel of land with existing residence and connected to the same sewer tap;
  - d) New residence, row houses;
  - e) New residence located in subdivisions, planned residential developments, and multi-family projects areas developed under the regulations governing the subdivision of land of the City Regional Planning Commission in which adequate and proper sewer lines constructed by the developer in conformity with applicable statutes of the state and ordinances of the City pertaining to sanitation have been constructed as part of a private subdivision development, specifically providing for an inside municipal corporate boundary rate and an outside municipal corporate boundary rate;
  - f) Small commercial user (i.e., service stations, office building, warehouse, etc.);
  - g) Car wash for first bay and a fee for each additional bay thereafter;

- h) Multi-family complexes existing structure for first unit and a fee for each additional unit thereafter; and
- i) Factories and shopping centers; said fee to be based on a ten thousand (10,000) square foot of floor space basis with a fee for each additional ten thousand (10,000) square feet of floor space over and above the base amount. (2003 Code, §13-1103)

**18-1304 Sewer Use Charges.**

- 1) Classification of users. Users of the wastewater system shall be classified into two (2) general classes depending upon the user's contribution of wastewater loads; each class of user being identified as follows:
  - a) Class I: Those users whose average biochemical oxygen demand is two hundred fifty (250) milligrams/liter concentration by weight or less, and whose suspended solid discharge is two hundred fifty (250) milligrams per liter concentration by weight or less.
  - b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty (250) milligrams/liter concentration by weight, or whose suspended solid discharge exceeds two hundred fifty (250) milligrams per liter concentration by weight.
- 2) Determination of costs. The Board of Mayor and Aldermen shall establish, by resolution, monthly rates and charges for use of the wastewater system and for all services supplied by the wastewater system. Said charges shall be based upon administrative costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; depreciation; return on investment; and debt service costs.
  - a) All Class I users shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased with the unit charge being determined in accordance with the following Formula:
 
$$C_i = \frac{TSC}{V_t}$$
 Where:
    - $C_i$  = The Class I total unit cost in dollars per thousand gallons.
    - $TSC$  = The total cost of operation, maintenance, administration and debt service determined by yearly budget projections.
    - $V_t$  = The total volume of wastewater contribution, in thousands of gallons, from all users per year as determined from projections from one City fiscal year

to the next.

- b) All Class II users shall pay the same base unit charge per one thousand (1,000) gallons of water purchased on Class I users ( $C_i$ ) and in addition shall pay a surcharge based on volume ( $V_5$ ), a penalty assessment ( $V_c$ ), excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities. The following formula shall be used to compute the appropriate surcharge ( $C_u$ ):

$$C_u = B_c B_u + S_c S_u$$

Where:

$C_u$  = Total surcharge per month

$V_c$  = Penalty assessment for exceeding BOD or TSS

$V_u$  = Volume contribution (in 1,000 gallons) per month

$B_c$  = Total cost for treatment on one pound of biochemical oxygen demand (BOD)

$B_u$  = Total BOD contribution above the base level from a use per month

$S_c$  = Total cost treatment of one pound of suspended solids

$S_u$  = Total suspended solids contribution above the base level from a user per month. (2003 Code, § 13-1104)

### **18-1305 Billing.**

- 1) The billing of normal wastewater services shall consist of monthly billing in accordance with rates established by resolution of the Board of Mayor and Aldermen.
- 2) Any user connected to the sanitary sewer shall have water service from some water utility system authorized to provide water by the State of Tennessee, or, such user shall, at his sole expenses, install a sewage flow of sewage through such meter.
- 3) Any user receiving potable water from any source shall install a sewage flow meter as set out in subsection (2) hereinabove; or, the agency or entity supplying potable water shall enter into an agreement with the City of Church Hill that provides a means for verification of meter accuracy; provides for routine and regular monthly water meter readings to be supplied to the City of Church Hill for sewer billing purposes; and also provides for arrangements for the termination of water service should the end user fail or refuse to pay any valid bill for sanitary sewer service imposed by the City. (2003 Code, §13-1105)

**18-1306 User Rates.**

- 1) The base rate for each customer, user, or beneficiary of the sewer system inside the corporate limits of the City of Church Hill shall be established by resolution.
- 2) Any and all monthly user bills not paid in full by the due date note thereon shall have added to the outstanding balance one and one-half percent (1 1/2%) interest which shall continue to accumulate until paid in full. (2003 Code, § 13-1106)

**18-1307 Tap Fees.**

- 1) The tap-on fee for each connection shall be established by resolution
- 2) Developers who intend to construct residences or dwellings on newly subdivided property or who seek the approval of subdivision plans by the Church Hill Regional Planning Commission within the urban area designated by the Planning Commission shall install all necessary sewer service lines and laterals within the entire subdivision. Said developers shall pay a tap-on fee established by resolution for each single family residence in the subdivision. Multiple family dwellings shall be charged according to the rates set out in paragraph two (2) of this chapter. A minimum of three (3) newly subdivided lots shall constitute a subdivision for the purposes of the application of the tap-on rate schedule described in this paragraph;
- 3) Financing shall be available to owners of residential property located within the corporate limits of the City. A property owner(s) desiring to finance the tap-on fee must make an application therefore upon a personal financial form provided by the City and the application must be approved by the Board of Mayor and Aldermen. A minimum of five hundred dollars (\$500.00) down payment shall be made prior to the execution by the property owner(s) of a promissory note which is to be executed in the amount of the balance due and payable to the City of Church Hill, Tennessee. The note shall be a standard pre-printed and numbered form prescribed by the City Recorder and approved by the City Attorney. The balance to be financed as evidenced by the promissory note may be financed over a period not to exceed a two (2) year period and shall be payable in equal monthly installments which shall bear interest at the most favorable rate charged by Civis Bank to its customers on twenty-four (24) month installment loans. A late fee or penalty of an additional one and one-half percent (1 1/2%) of the delinquent amount, compounded monthly, shall be charged for each month that any of the required installment payments are delinquent, beginning on the 30th day after the monthly

payment is first due. A default by the customer or owner on the timely payment of any monthly installment may result in the total amount of the note with interest and penalty being accelerated and becoming due and payable immediately. The note shall also include the requirement that the delinquent customer pay reasonable attorneys fees incurred in the collection of the note or in the termination and/or reconnection of sewer service to such property. The Mayor of the City of Church Hill is hereby expressly given authority to discount such promissory as noted above selling same to any financial institution federally insured but not to any individual.

- 4) The sewer system tap-on fee for each connection of any commercial or industrial user whose building or structure exceeds ten thousand (10,000) square feet of covered floor space shall be established by resolution.
- 5) Financing shall not be available to owners of new residences located in subdivisions in which sewer mains and laterals have been installed by developer(s). Financing shall not be available in cases where the development is for speculative purposes. In determining if construction is for speculative purposes, any sewer tap-on permit issued in the name of a licensed contractor, plumber, developer, or broker shall be considered for speculative purposes and payment of the tap-on fee in full shall be required. In cases where a contractor constructs a residence for personal occupancy and desires to finance the tap-on fee, he shall (1) provide the City Recorder with certification that the residence has been constructed for personal occupancy of the owner/contractor; and (2) present and execute a standard City of Church Hill promissory note for sewer tap-on fees for the remaining balance payable to the City of Church Hill at the time the down payment is made. The Certification of Construction for Personal Occupancy shall be a form prescribed by the City Recorder and approved by the City Attorney.
- 6) Owners of property located outside the corporate limits of the City who are given special permission by the Board of Mayor and Aldermen to connect to the municipal sanitary sewer system shall be required to pay the tap-on fee in full at the time of connection.
- 7) (a) The Board of Mayor and Aldermen shall perform a cost/benefit analysis for any proposed construction of a sewer line extension from the municipal sewer system as it is , constituted at the time of the passage of this title. In the total discretion of the Board of Mayor and Aldermen, a determination will be made of the required payment expected from the customer(s) and/or owner(s) of property who will receive sewer service by virtue of said construction. The Board may take into consideration such

factors as anticipated revenue from additional customers, hardship situations, and available manpower, as well as other relevant factors. In the event that the costs of said sewer extension project exceed the base tap fee charged to the property owner or customer under this chapter or any amendments thereto, each property owner or customer shall be responsible for his or her pro rata share of the additional sewer extension projects required cost reimbursement. The costs for the particular sewer extension project shall be determined and itemized by the City after the completion of the sewer extension project. All costs of the sewer extension, including the expenses and legal fees associated with the acquiring of any necessary easements and the preparation of any required contract documents, the total cost of any required additional pump stations, engineering costs, material and equipment costs, labor costs, construction and/or contract costs, capital outlay note or bond costs and expenses, all required federal, state and local inspection fees, and any other expense necessarily incurred by the City in order to complete the sewer extension project shall be included in the final computation. The property owners or customers who will receive municipal sewer service as a result of the sewer extension-project shall each be liable for his or her pro rata share of the required cost reimbursement over and above the base sewer system tap fee. as specified hereafter. In no event shall the tap fee charged to each property owner or customer for a sewer extension to his/her -property be less than the base tap fee in effect at the time of the completion of the sewer extension project. It is anticipated that the required cost reimbursement shall be expressed in terms of percent of total project costs. Any representations made by City officials or agents regarding estimated extension project construction costs shall not be binding if the actual costs as itemized at the conclusion of the project exceed the original cost estimates.

(b) Each property owner, occupant, or utility water customer, whose property or premises abuts the sewer line extension, its easement, or the road right-of-way adjacent to the sewer extension (or easement) or through which the sewer extension runs, must connect his/her property or premises to the municipal sewer system within sixty (60) days of the announcement that the sewer extension project has been completed. The months of December, January, and February will not be included in the calculation of the sixty (60) day connection period set out below. No pre-completion representation made by the City or its agents regarding any estimated sewer extension project costs shall be binding upon the City nor shall such representations create any express or implied contracts nor be grounds for

estoppel should the actual costs of the sewer extension project, as finally computed and itemized, exceed the initial project cost estimates.

(c) The Board of Mayor and Aldermen shall initiate a sewer extension construction project by the passage of a resolution which specifies the property to be served and sets out a projected estimate of the cost of the project. Each property owner or customer to be served by the extension under the terms of this chapter shall pay the base tap-fee as set by the chapter, or any amendments thereto, within sixty (60) days of the passage of the Board's resolution if the estimated sewer extension project costs exceed the base tap fee. The Board of Mayor and Aldermen shall, prior to the expiration of the sixty (60) days period, publish a payment schedule for the prospective property owners and customers to be served by the sewer extension based upon the cost estimates of the project as determined as of the date of the publication of the schedule. The property owners and customers who will be served by the sewer extension shall be allowed to make voluntary periodic payments, pursuant to the schedule, on their pro rata share of the estimated sewer extension project costs which exceed the base tap fee, during the planning and construction phase of the sewer extension project. The pro rata share of each property owner or customer shall be due and payable, not less than ten (10) business days before the property is connected to the municipal sewer system. In the event that the completed and itemized sewer extension project costs are less than the City's initial cost estimates and any property owner or customer has paid more than his/her family computed pro rata share the respective overpayments shall be returned to the appropriate property owner with interest thereon computed by the same method specified for hardship financing under the terms of this chapter. (2003 Code, § 13-1107)

**18-1308 Reconnection Fees .**

- 1) Unless done pursuant to contract with the First Utility District as the Church Hill Utility District, the City may terminate sewer service to any property owner or occupant who becomes more than thirty (30) days delinquent in the payment of monthly user fees and/or monthly sewer financing obligations owed to the City. Prior to terminating sewer service for any payment delinquency, the City shall give the delinquent customer, occupant, and property owner written notice that sewer service to the property will be terminated. Notice of termination of service shall be given by certified mail or by personal delivery upon the delinquent customer or property owner and shall inform the delinquent customer that his sewer service will be terminated seven (7) days after delivery of the notice.

- 2) The re-connection fee for any customer or property owner whose sewer service has been terminated for non-payment of sewer fees, charges, or tap-on fees under the terms of this chapter shall be the actual costs incurred by the City to perform the reconnection. A delinquent customer whose sewer service has been disconnected and/or reconnected shall also be liable to the City for attorney's fees incurred by the City in enforcing the provisions of this chapter.
- 3) The owner of the property connected to the municipal sewer system shall be considered the primary customer and shall be ultimately responsible for the payment of the tap-on fee, additional charges, and monthly user fees regardless of whether the owner is also the occupant or tenant of the property. In the event that the owner of property is not the same individual who is the delinquent customer, the City shall give the owner and the customer separate notice of the termination of service for the account delinquency.
- 4) Sewer tap fees, including any financing arrangements, additional extension costs, and the anticipated reconnection charges, shall be due and payable ten (10) business days prior to the connection of the property to the municipal sewer. (2003 Code, § 13-1108)

**18-1309 Inspection Fee.** The inspection fee for the completion of the sewer connection shall be established by resolution. (2003 Code, § 13-1109)

**18-1310 Application Fee.** The non-refundable fee to be submitted with an application for domestic sewer service shall be established by resolution. The non-refundable fee to be submitted with an application for industrial sewer service shall be established by resolution. (2003 Code, § 13-1110)

**18-1311 Septic Tank Trucks Annual Permit Fee.**

- 1) The service charge for annual permit for holding tank waste disposal operations shall be established by resolution of the Board of Mayor and Aldermen as the necessity or advisability of same may from time to time require,
- 2) Persons wishing to empty septic tank trucks directly into the wastewater treatment system must have a permit to do so and shall be charged a minimum fee established by resolution of the Board of Mayor and Aldermen as the necessity or advisability of same may from time to time require. (2003 Code, § 13-1111)

**18-1312 Extra Strength Surcharge.** Users who discharge or cause to be discharged extra strength wastewater who possess an appropriate permit will be subject to a surcharge to compensate for above-normal operating and maintenance expenses incurred in treating and disposing of their discharge, not to exceed one hundred percent (100%) of the monthly sewer service charge which would normally be assessed. (2003 Code, § 13-1112)

**18-1313 Sampling and Flow Monitoring Charges.** Customers who are required by the Board to have sampling and flow monitoring devices installed either temporarily or permanently or who choose to have flow monitoring devices installed in order to measure actual amounts of wastewater discharge should be charged the reasonable cost necessary to compensate for operating and maintaining equipment and for performing analytical tests on their discharge. (2003 Code, § 13-1113)

**18-1314 Hardship Provisions.** There is hereby established a hardship committee whose purpose it is to review applications submitted by system customers for the payment of fees and charges by installment payments, to reduce the amount of fees and charges, or to waive the amount of fees and charges altogether.

- 1) The sanitation committee shall serve as the hardship committee.
- 2) The hardship committee shall review applications for hardship determination in regard to the sewer tap-on fee, monthly sewer service charge, and reconnection charges.
- 3) The application to be used in applying for a "hardship determination" shall be developed by the City Recorder and approved by the hardship committee.
- 4) The hardship committee is to make recommendations to the Board on all applications. The Board will have the final approval on the same.
- 5) The degree or amount of charge to be reduced or waived by the hardship committee shall be deducted from an interest bearing account created for the purpose of the hardship committee. Once the above-referenced interest is exhausted, no additional hardship reductions or waivers may be granted in that fiscal year.
- 6) The interest bearing account referred to in subsection (5) shall be funded by the inspection fees described in §18-1309. Once the interest bearing account reaches a balance of ten thousand dollars (\$10,000.00), inspection fees shall be deposited in the normal sewer revenue account and accrued interest shall fund the hardship account. The above-noted funding provisions shall not be the exclusive methods for funding the hardship

account. The hardship account may be funded in any manner acceptable under law by the Board of Mayor and Aldermen as noted in the City's annual budget ordinance. (2003 Code, § 13-1114)

**18-1315 Pretreatment Charges and Fees.** The City of Church Hill may adopt reasonable fees for reimbursement of costs of setting up and operating the City of Church Hill 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 a 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 Section 1302 (5)] associated with the enforcement activity taken by the Pretreatment Coordinator to address IU noncompliance; and
- F) Other fees as the City of Church Hill may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City of Church Hill.

**CHAPTER 14**  
**PRIVATE WASTEWATER DISPOSAL SYSTEMS AND HOLDING**  
**TANKS**

**SECTION**

18-1401 Availability of System

18-1402 Requirements for Private Domestic Systems

18-1403 Regulation of Holding Tank Waste Disposal

**18-1401 Availability of System.**

- 1) Where the POTW is not available under the provision of §18-209 et. seq., the building sewer shall be connected to a private wastewater disposal system complying with provisions of this chapter.
- 2) For any residence used for human occupancy where the building is below elevation to obtain proper grade of the gravity service line, but is otherwise accessible to a public sewer, the owner may provide a pump suitable for this type of service to provide the necessary lift of the building service. For all other uses where toilet facilities are employed, including office, recreational facility or other establishments used for human occupancy, where the building is below the elevation to obtain proper grade of the gravity service line, but is otherwise accessible to a public sewer, the owner shall provide a pump suitable for this type service to provide the necessary lift for the building service. In any of the above situations, the owner shall be responsible for the maintenance or replacement of the pump.
- 3) When a public sewer becomes available, connection shall be made to said sewer within (60) days after date of official notice to do so, and any septic tank or other private disposal facility shall be abandoned. (2003 Code, §13-401, as amended by Ord. #11-445, July 2011)

**18-1402 Requirements for Private Domestic Systems.**

- 1) Private domestic wastewater disposal systems shall not be constructed within the City until a letter is obtained from the director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No letter shall be issued for any private domestic wastewater disposal system employment subsurface soil absorption facilities where the area of the lot is less than that specified by the state or the Hawkins County Health Department.
- 2) Before commencement of construction of a private wastewater disposal system, the owner shall obtain a written permit from the appropriate state or county agency. It shall be the responsibility of the owner to supply any

- plans, specifications, and other information needed by such agency(ies).,
- 3) Private wastewater disposal systems shall not be placed in operation until the installation is approved by the county or state. The work may be inspected at any stage of construction and in any event, the owner shall notify the state or county when the work is ready for final inspection, and before any underground portions are covered.
  - 4) The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the appropriate agency of the state. No septic tanks or cesspools shall be permitted to discharge to the waters of the state except as specifically permitted for the appropriate system.
  - 5) The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at the owner's expense.
  - 6) No part of this title shall be construed to interfere with any additional requirements that may be imposed by the state. (2003 Code, § 13-402)

#### **18-1403 Regulation of Holding Tank Waste Disposal.**

- 1) Permit. No person shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system within the City unless such person obtains a permit from the director to perform such acts or services. Any person desiring a permit to perform such services shall file an application on the prescribed form. Upon such application, a permit shall be issued by the director when the conditions of this chapter have been met, provided the director is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. The director may require domestic septic tank waste haulers to obtain wastewater discharge permits.
- 2) Fees. For each permit issued under the provisions of this chapter, an annual fee shall be paid as established by resolution of the Board of Mayor and Aldermen. Any such permit granted shall be for one (1) full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.
- 3) Designated disposal locations. The director shall designate approved locations for the emptying and cleaning of all equipment used in the performance of the services rendered as provided for, and it shall be a violation for any person to empty or clean such equipment at any place other than a place so designated.

- 4) Revocation of permit. Failure to comply with all provisions of this title shall be sufficient cause for the revocation of such permit by the director. The possession within the service area by any persons of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Church Hill. (2003 Code, § 13-403) .

**CHAPTER 15**  
**SYSTEM EXPANSION**

**SECTION**

18-1501 Sewer Main Extension Policy

18-1502 Construction Contracts

18-1503 Severability

**18-1501 Sewer Main Extension Policy.** This policy covers main sizes, subdivisions installation, extensions to subdivisions, extensions to serve unplatted property, extensions outside the City limits, and replacement of mains.

- 1) **Main size.** The size of any main installed in any area served by the system shall be determined by the Board of Mayor and Aldermen. No main less than eight (8) inches in diameter shall be placed in the sewer collection system. All sewer mains connected to and/or served by the system shall become the property of the City upon inspection and acceptance. The City may participate in the cost of installing larger size mains except in those instances where a property under single ownership shall require a main greater than eight (8) inches.
- 2) **Extensions in subdivisions.** No sewer shall be constructed in a subdivision until the subdivider and the City have executed a contract covering the extensions. This contract shall state:
  - a) The estimated cost of sewer extensions;
  - b) That the City shall acquire ownership on completion of the work;
  - c) That workmanship and materials must be guaranteed for a period of one year after acceptance;
  - d) That the subdivider agrees to pay the costs of inspecting the work;
  - e) That the City has examined and approved the plans and specifications;
  - f) That the City has accepted a security bond equal to the cost of the sewer extension; and
  - g) Penalty provisions for noncompliance. The subdivider shall pay the cost of construction of all sewer mains to, in, and through his subdivision except as otherwise provided herein. Sewer mains shall always be extended to the farthest point or points upgrade in a subdivision so that the system, if need be, can continue uninterrupted.
- 3) **Construction contract or commission forces.** The subdivider may install the main in his subdivision by private contract if the City so agrees. The subdivision must receive approval of all plans and specifications, execute the sewer extension agreement, and allow for the City inspection of actual

construction. Upon agreement, the City may allow the subdivider to deposit with it the estimated cost of sewer construction, plus engineering and administrative cost. The City will then proceed to construct the sewer either under contract or by its own forces. If at any time the actual cost exceeds the amount deposited, the subdivider shall immediately, upon notification, deposit sufficient additional funds to complete the work.

- 4) Extension of sewer mains to serve those areas not included in subdivisions platted after adoption of the policy. Extensions of sewer mains to serve property already in the City, but not part of a subdivision platted after adoption of this policy, shall be financed by special assessments against all property benefited by such extension in accordance with § 18-1307.
- 5) Sewer extensions outside the City limits. No mains shall be extended outside the City limits, except upon the expressed consent of the Board of Mayor and Aldermen.

The person(s), firm, or corporation requesting such installation shall assume the entire cost of the installation and may install the mains by private contract upon approval of the plans and specifications by the City, execution of the sewer main extension contract, and City inspection of actual construction.

With the consent of the City, the person(s), firm, or corporation requesting the installation shall deposit with the City the estimated cost of installing the main and the City may then proceed to make the actual installation with its own forces or by private contract. In the event that the original deposit was insufficient, the person(s), firm, or corporation requesting such installation shall, upon notification, immediately deposit with the City the balance due. The City at its discretion may participate in the extension of the sewer line to the project site; however, in no case shall the cost of participation exceed fifty percent (50%). (2003 Code, § 13-1201)

#### **18-1502 Construction Contracts.**

- 1) The requirements of conducting pre-blast surveys and monitoring all blasts shall be included in all contracts for construction concerning the wastewater treatment system.
- 2) Lawn and driveway restoration.
  - a) All contracts for construction concerning the wastewater treatment system shall include the requirements that photography of existing lawns, driveways, and etc., be taken prior to commencement of any ditching or excavation which would materially alter said lawns, driveways, etc.
  - b) Restoration is to be done so as to nearly as practical restore the lawn

and/or driveway to its original condition as soon as feasible - weather permitting.

- 3) Bonding. Sufficient performance bonds and adequate retainage is to be required of all contractors.
- 4) Paving. All contracts for the placement of sewer lines within any paved street or right-of-way shall include the provision that such paved street or right-of-way shall be restored -- as nearly a practical -- to its pre-construction condition and preferably repaved after the completion of installation of such lines.
- 5) Equal Opportunity. Any contract for construction work on the wastewater treatment system shall include an "equal opportunity clause" which is in substantial compliance with Executive Order 11246 of September 24, 1965, and in compliance with all rules, regulations, and relevant orders of the Secretary of Labor
- 6) Compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) It shall be the policy of the Board that no person shall on the ground of race, color, or national origin be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination in connection with the construction or providing services, programs, or activities in regard to the wastewater treatment system. (7) No handicap discrimination. Under Section 504 of the
- 7) Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual shall, solely by reason of their handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any operations, programs, services, or activities rendered by the wastewater treatment system. (2003 Code, § 13-1202)

**18-1503 Severability.** If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## **SECTION II LEGAL STATUS PROVISIONS**

- A) 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 Church Hill, the most restrictive shall in all cases apply.
- B) Validity. If any section, clause, provision, or portion of this Ordinance shall be held to be in doubt 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.

C) Effective Date. This ordinance shall become effective upon passage.

**TITLE 19**  
**ELECTRICITY AND GAS**  
**[RESERVED FOR FUTURE USE]**

**TITLE 20**  
**MISCELLANEOUS**  
**[RESERVED FOR FUTURE USE]**

**APPENDIX A**  
**ETHICS PROVISIONS PROVIDED BY STATUTE**

1. Campaign finance. All candidates for the chief administrative office (mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101-118).

Contributions to political campaigns for municipal candidates are limited to:

- a) \$1,000 from any person (including corporations and other organizations);
- b) \$5,000 from a multicandidate political campaign committee;
- c) \$20,000 from the candidate;
- d) \$20,000 from a political party; and
- e) \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301-310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

2. Conflicts of Interest. Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of goods or services in a municipality. A "direct interest" is any contract with the official himself or with any

business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107-108, T.C.A. § 12-4-101-102).

3. Disclosure conflict of interests. Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 et seq. Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).
4. Consulting fee prohibition for elected municipal officials. Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from "knowingly" receiving any form of compensation for "consulting services" other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

"Consulting services" under T.C.A. § 2-10-122 means "services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official." "Consulting services" also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. "Consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include

advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

- a) A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.
- b) Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.
- c) A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.
- d) A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.
- e) Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct, official oppression, misuse of official information.

- a) Public misconduct offenses under Tennessee Code Annotated § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees, candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.
- b) Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty

required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

- c) Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.
- d) Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.
- e) A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

7) Ouster law. Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude" (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt

(T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal "duty" to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that "there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county." However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney's duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101-102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).

**APPENDIX B**  
**BY-LAWS OF THE CHURCH HILL REGIONAL PLANNING**  
**COMMISSION**

**ARTICLE I**

Objective

The objective and purposes of the Church Hill, Tennessee Planning Commission shall be as set forth in Title 13 of the Tennessee Code Annotated, and amendments and supplements thereto, those powers and duties delegated to the Planning Commission by the City Council by resolution on October 13, 1959, in accordance with the above-mentioned enabling law and Title 11 of the Church Hill Municipal Code.

**ARTICLE II**

Officers and Their Duties

Sec. 1. The officers of the Planning Commission shall consist of a Chairman, Vice Chairman, and a Secretary-Treasurer.

Sec. 2. The Chairman shall preside at all meetings and hearings of the Planning Commission and have the duties normally conferred by parliamentary usage of such officers.

Sec. 3. The Chairman shall be one of the appointive members of the Planning Commission. He shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Sec. 4. The Vice-Chairman shall be one of the appointive members of the Planning Commission and shall act for the Chairman in his absence.

Sec. 5. The Secretary shall keep the minutes and records of the Planning Commission, prepare with the Chairman the agenda of regular and special meetings, provide notice of meetings to Planning Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties are normally carried out by a Secretary.

**ARTICLE III**

Election of Officers

Sec. 1. Nomination of officers shall be made from the floor and officers shall be elected at the annual organization meeting which shall be held on the first Monday of August in each year.

Sec. 2. The candidate for each office receiving a majority vote of the entire membership of the Planning Commission shall be declared elected.

Sec. 3. All officers shall be elected for a term of one year and all officers shall be eligible to succeed themselves.

Sec. 4. Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

#### ARTICLE IV Meetings

Sec. 1. Meetings shall be held on the first Monday of each month at 7:00 P.M. at City Hall.

Sec. 2. A majority of the membership of the Planning Commission shall be five (5) members and shall constitute a quorum. A quorum shall be present before any business is transacted.

Sec. 3. All plans, reports and recommendations of the Planning Commission must be approved by a majority of the entire membership.

Sec. 4. A record of the vote of each member on each question shall be kept as a part of the minutes except when the vote is unanimous.

Sec. 5. Special meetings may be called by the Chairman or in accordance with CHMC Title 11, Chapter 2. It shall be the duty of the Chairman to call such a meeting when requested to do so by a majority of the members of the Planning Commission. The notice of such a meeting shall specify the purposes of such meeting and no other business may be considered except by unanimous consent of the Commission. The Secretary shall notify all members of the Commission in writing not less than five (5) days in advance of such special meeting.

Sec. 6. All meetings at which official action is taken shall be open to the general public.

#### ARTICLE V Order of Business

The order of business at regular meetings shall be:

- a) Roll call;
- b) Reading of minutes of previous meeting;
- c) Recognition of persons having business with the Commission;
- d) Reports of officers and committees;
- e) Old business;
- f) New business;
- g) Adjournment.

ARTICLE VI  
Committees

Sec. 1. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require.

Sec. 2. The expenditures of the Commission shall be within the amounts appropriated for the purpose by the City of Church Hill, Tennessee.

ARTICLE VII  
Hearings

Sec. 1. In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Sec. 2. Notice of such hearings shall be published in a newspaper of general circulation within the City of Church Hill at least ten (10) days prior to the date of such public hearing.

Sec. 3. The case before the Commission shall be presented in summary by the Secretary or a designated member of the Commission and parties in interest shall have privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Sec. 4. A record shall be kept of those speaking before the Commission

ARTICLE VIII  
Amendments

These by-laws may be amended by a two-thirds vote of the entire membership of the Planning Commission.

**APPENDIX C**  
**SUBDIVISION REGULATIONS OF THE**  
**CHURCH HILL, TENNESSEE REGIONAL Planning Commission**  
**(Hereafter referred to as the Planning Commission)**

ARTICLE I. PURPOSE, AUTHORITY AND JURISDICTION

A. Purpose

Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the Planning Commission are designed to provide for the harmonious development of the planning region; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities.

B. Authority

These subdivision regulations are adopted under authority granted by Sections 13-4-302 through 13-4-309 and Sections 13-3-401 through 13-3-411, Tennessee Code Annotated. The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations. A certified copy of the Church Hill, Tennessee Major Street and Road Plan was filed in the Office of the Register of Deeds of Hawkins County, Tennessee, on February 3, 1960.

C. Jurisdiction

These regulations shall govern all subdivision of land within the corporate limits of Church Hill, Tennessee, as now or hereafter established and within the Church Hill, Tennessee Planning Region as established by resolution of the Tennessee State Planning Office. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, and include resubdivision of the land or area subdivided. Any prospective subdivider owning land located within the Church Hill Planning Region shall submit

his subdivision plat to the Church Hill Regional Planning Commission. The plat is to be submitted according to the procedures outlined in Article II, which plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

## ARTICLE II. PROCEDURE FOR PLAT APPROVAL

The procedure for review and approval of a subdivision plat consists of two separate steps. The initial step is the preparation and submission of a preliminary plan of the proposed subdivision to the Planning Commission. The second step is the preparation and submission to the Planning Commission of a final plat together with required certificates. The final plat becomes the instrument to be recorded in the office of the county register of deeds when duly signed by the secretary of the Planning Commission.

### A. General

- 1) Any owner of land lying within the area of jurisdiction of the Planning Commission wishing to divide such land into two or more lots, sites, or divisions, for the purpose, either immediate or future, of sale or building development, or wishing to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the Planning Commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these regulations and shall be presented in the manner specified in the following section of this Article. No plat of a subdivision of land within these areas of jurisdiction shall be filed by the county register of deeds without the approval of the Planning Commission.
- 2) The subdivider should consult early and informally with the Planning Commission and its technical staff for advice and assistance before the preparation of the preliminary plat and its formal application for approval. This will enable him to become thoroughly familiar with these regulations, the Major Street and Road Plan and other official plans or public improvements which might affect the area. Such informal

review should prevent unnecessary and costly revisions.

- 3) A subdivider may omit the submission of a preliminary plat, submitting only a final plat if the following conditions are met:
  - a) All public improvements as set forth in Article IV are already installed. Any construction, installation, or improvements of any public improvement shall require the submission of a preliminary plat as prescribed by Section B of Article II.
  - b) The subdivider has consulted informally with the Planning Commission technical staff for advice and assistance before the preparation of the final plat and its formal application for approval

#### B. Preliminary Sketch

- 1) At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit to the secretary of the Planning Commission twelve (12) copies of a preliminary sketch plat of the proposed subdivision in order to allow the Planning Commission technical staff and utilities heads time to review and prepare recommendations to the Planning Commission. The subdivision plan shall be drawn to a scale of not less than one inch equals one hundred (100) feet. At the time of such submission the Secretary of the Planning Commission shall issue a receipt acknowledging said submission. Neither the submission of the preliminary sketch plat to the secretary of the Planning Commission or the receipt issued by the secretary of the Planning Commission shall constitute submission of the preliminary sketch plat for consideration by the Planning Commission.
- 2) The sketch plat which shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV shall give the following information insofar as possible:
  - a) The proposed subdivision name and location, the name and address of the owner or owners, and the name of the designer of the plat who shall be a licensed or certified engineer or surveyor approved by the Planning Commission.
  - b) Date, approximate north point, and graphic scale.

- c) The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements, the present zoning classification, if any, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.
- d) A construction plan which shall include:
  - 1) A complete drainage plan showing all improvements including all proposed streets, easements, storm sewers, swages, ditches, reserved areas and lot drainage.
  - 2) A plan and profile of all streets showing typical cross sections of proposed roadways, swages and ditches as well as both existing and proposed finished grades of paved rights-of-way and special ditches, and details of all structures which are part of the physical improvements in the subdivision. All proposed drainage structures including manholes, catch basins, junction boxes, pipe storm drainage ditches, and other drainage facilities including head-walls shall be shown on the plan and profile.
- e) The distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing streets or roads and to an original corner of the original survey of which it is a part or key map showing relation of subdivision to well-known streets, railroads, and water courses in all directions to a distance of at least one-half mile. Suggested scale: one inch equals 2,000 feet;
- f) Plans of proposed utility layouts (sanitary and storm sewers, water, and electricity) showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system, must be approved by the county health department;
- g) The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, and other

open spaces, reservations, lot lines, building lines and utilities;

- h) Contours at vertical intervals of not more than five feet, except when specifically not required by the Planning Commission;
  - i) Actual closure computations for the boundary traverses. Such boundary traverses shall close to an accuracy of at least one (1) part in five thousand (5,000);
- 3) Within sixty (60) days after submission of the preliminary sketch plat, the Planning Commission will review it and indicate its approval, disapproval or approval subject to modification as a basis for the preparation of the final plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications will be indicated.
  - 4) The approval of the preliminary plat by the Planning Commission will not constitute acceptance of the final plat and will not be indicated on the preliminary sketch plat.
  - 5) Failure of the Planning Commission to act on the preliminary sketch plat within sixty (60) days after being presented at a Planning Commission meeting in accordance with subsections B-1 and B-2 of this Article will be deemed approval of this plat, and a certificate to that effect shall be issued by the commission on demand, provided, however, that the applicant may waive this requirement and consent to the extension of such period.
  - 6) One copy of the sketch plat will be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
  - 7) The approval of the preliminary sketch plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.
  - 8) If the subdivision is going to be developed and submitted as final plats in portions of the preliminary plat, the portions must be designed and titled in alphabetical characters.
  - 9) No subdivision shall use the name of an existing subdivision except as noted in Article II, subsection B-8.

#### C. Final Plat

- 1) The final plat shall conform substantially to the preliminary sketch

plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations. If a proposed subdivision fronts upon an existing public road, the Planning Commission may waive the requirements for preliminary approval, and permit the developer to submit only a final plat.

- 2) In order to allow the Planning Commission technical staff and utilities personnel time to review and prepare recommendations to the Planning Commission, the final plat shall be submitted to the Planning Commission at least fifteen (15) days prior to the meeting at which it is to be considered. The subdivider shall submit the original drawings in black drawing ink and twelve (12) copies (black and white prints or blue line prints), together with street profiles or other plans that may be required by the Planning Commission. At the time of such submission the secretary of the Planning Commission shall issue a receipt acknowledging said submission.
- 3) The final plat shall be presented to the Planning Commission at its next meeting by the secretary or acting secretary of the Planning Commission for consideration for approval or disapproval.
- 4) The plat shall be drawn to a scale of one inch equals one hundred (100) feet on sheets eighteen (18) by twenty-four (24) inches or of an approved size to correspond to local plat book dimensions. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
- 5) When the final plat has been approved by the Planning Commission, one copy will be returned to the subdivider, with the approval of the Planning Commission certified thereon, for filing with the county register of deeds as the official plat of record.
- 6) The Planning Commission shall approve or disapprove the final plat within sixty (60) days after its submission. Failure of the Planning Commission to act on this final plat within these sixty (60) days shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
- 7) Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.
- 8) The final plat shall show:

- a) The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations, easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations;
  - b) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including north point. This shall include the radius, central angle and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
  - c) All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute;
  - d) Location and description of monuments;
  - e) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
  - f) Date, title, name and location of subdivision, graphic scale, and north point;
  - g) Location sketch map showing site in relation to area;
  - h) All boundary traverses including lot and block traverses shall close to an accuracy of at least one (1) part in five thousand (5,000).
- 9) The following certificates shall be presented with the final plat:
- a) Certification showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use (see Attachment B);
  - b) Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments (see Attachment B);
  - c) Certification by the city or county health officer when individual sewage disposal or water systems are to be installed (see Attachment B);
  - d) Certification by the city engineer or other designated person that the subdivider has complied with one of the following alternatives:
    - 1) Installation of all improvements in accordance with the requirements of the subdivision regulations; or
    - 2) Posting of security bond or cash bond in sufficient amount to assure such completion of all required improvements (see Attachment A).

e) Certification of approval to be signed by the secretary of the Planning Commission (see Attachment B).

### ARTICLE III.

## GENERAL REQUIREMENTS AND MINIMUM STANDARD OF DESIGN

### A. Streets

- 1) Conformity to the Major Thoroughfare Plan The location width of all streets and roads shall conform to the official Major Thoroughfare Plan which includes the Major Street Plan within the municipality and the Major Road Plan within the remainder of the planning region.
- 2) Relation to Adjoining Street System The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.
- 3) Access Streets to Subdivision Boundaries Sufficient access streets to adjoining properties shall be provided in subdivisions to permit harmonious development of the area.
- 4) Street Widths The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the Major Thoroughfare Plan and shall be not less than as follows:
  - a) Arterial Streets and Highways 80-150 feet, as may be required. Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the Major Thoroughfare Plan.
  - b) Collector Streets 60 feet  
Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highway and include the principal entrance streets or a residential development and streets for major circulation within such a development.
  - c) Minor Residential streets 50 feet  
Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage use by through traffic.
  - d) Marginal Access Streets 40 feet  
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from

through traffic.

- e) Dead-end Streets (Cul-de-sac) 40 feet

Cul-de-sacs are permanent dead-end streets or courts not to exceed six hundred (600) feet or fifteen (15) dwelling units, designed so that they cannot be extended in the future.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Planning Commission may modify the above requirements.

- f) Loop Streets 40 feet

Loop streets are streets open at both ends and connected to the same residential street with a maximum length twelve hundred (1200) feet or twenty-five (25) dwelling units.

- g) Rural Streets 50 feet

Rural streets are those where development density is not more than one dwelling unit per acre and where minimum street frontage is one hundred fifty (150) feet per lot.

- h) Alleys 20 feet

Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

- 5) Additional Width on Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

a) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

b) When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than fifty (50) feet.

- 6) Restriction of Access. Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic.

- 7) Street Grades. Grades on major streets shall not exceed seven (7) percent. Grades on other streets may exceed seven (7) percent but

shall not exceed fifteen (15) percent.

- 8) Horizontal Curves. Where a deflection angle of ten (10) degrees or more in the alignment of a street occurs, a curve of a reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the center line radius of curvature shall not be less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.
- 9) Vertical Curves. All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major streets and one half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred (100) feet horizontal, and one inch equals ten (10) feet vertical, may be required by the Planning Commission.
- 10) Intersection. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

To permit the construction of a curb having a desirable radius, property line radii at all street intersections shall not be less than twenty (20) feet. Where the angle of the street intersection is less than ninety (90) degrees, the Planning Commission may require a greater radius.

- 11) Tangents. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- 12) Street Jogs. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be allowed.
- 13) Dead-End Streets
  - a) Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet or the Planning Commission may approve an alternate design such as the T or Y background.
  - b) Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a

temporary turn-around having a roadway diameter of at least eighty (80) feet.

- 14) Private Streets and Reserve Strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the appropriate governmental entity under conditions approved by the Planning Commission.
- 15) Drainage. All streets and roads must be so designed as to provide for the discharge of surface water from the right-of-way of all streets and roads by grading and drainage as shall be approved by the Planning Commission. Where it is the opinion of the Planning Commission that water cannot be adequately discharged by surface drainage, the Planning Commission may require the installation of a storm sewer system.
- 16) Street Name. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing street. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of suffix street, avenue, boulevard, driveway, place, or court. Through its index list of street names on file, the Planning Commission can assist the subdivider in avoiding duplication.
- 17) Alleys. Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys.

#### B. Blocks

- 1) Length. Blocks shall not be less than four hundred (400) nor more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight (800) feet in length the Planning Commission may require one or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.
- 2) Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or sale of the property, in which case the Planning Commission will approve a single tier of lots of minimum depth.

### C. Lots

- 1) Arrangement. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of forty (40) feet upon a public street or road which is not less than forty (40) feet in width.
- 2) Minimum Size. The size, shape and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer and provide a connection to each lot. Where a public sewer is not accessible, an alternate method of sewage disposal may be used, when meeting all applicable public health regulations.
  - a) Residential lots served by a public sewerage system shall not be less than sixty (60) feet wide at the building setback line nor less than seventy-five hundred (7,500) square feet in area.
  - b) Residential lots not served by a public sewerage system shall not be less than forty (40) feet wide at the street right-of-way line and a minimum of eighty (80) feet wide at the building setback line and shall provide a minimum area of fifteen thousand (15,000) square feet.

Greater area may be required for private sewage disposal if, in the opinion of the county health officer there are factors of drainage, soil condition or other conditions to cause potential health problems. The Planning Commission may require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.
  - c) The minimum size of residential lots to be served by a private source of water supply shall be determined by the county health officer after investigations of soil conditions, proposed sewerage system, and depth of ground water.
  - d) Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
  - e) The size and widths of lots shall in no case be less than the minimum requirements of any zoning ordinance in effect.
- 3) Building Setback Lines and Yard Requirements.

- a) The minimum depth of building setback lines from the street right-of-way line shall not be less than thirty (30) feet from minor residential and collector streets and forty (40) feet from all others. In case of corner lots, one must provide a setback of fifteen (15) feet from the side street right-of-way line unless a lower standard is allowed by the existing zoning ordinance. A minimum side yard of eight (8) feet on one side for all lots and a total minimum side yard setback of fifteen (15) feet is required for interior lots.
  - b) In the case of electric transmission lines where easement widths are not definitely established there shall be a minimum building setback line from the center of the transmission line of fifty (50) feet.
- 4) Corner Lots. Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the zoning ordinance or building setback lines as outlined above.

#### D. Public Use and Service Areas

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

- 1) Public Open Spaces. Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the Planning Commission, is located in part in the applicant's subdivision, the Planning Commission may require the dedication or reservation of such open space within the subdivision up to a total of ten (10) percent of the gross area of water frontage of the plat, for park, school, or recreation purposes.
- 2) Easements for Utilities
  - a) Drainage and utility easements shall be provided on each side and rear lot line where deemed necessary by the Planning Commission. The easements shall be designed to adequately provide utilities and drainage for all lots in the proposed subdivision. Where drainage is proposed to cross any lot at any point other than the side or corner of the lot, the plat shall indicate the size of the pipe necessary to carry the proposed run-off. Each cul-de-sac shall have provisions for a fifteen (15) foot utility easement extending therefrom to prevent dead-end water mains. Easements of the same or a greater width may be required along the lines of or across lots where

necessary for the extension of existing or planned utilities.

b) Storm Sewers, Where in the opinion of the Planning Commission the flow of water cannot be accommodated with surface drainage, storm sewers may be required. The Planning Commission shall determine, on the basis of the watershed and the probable run-off, the size of the storm sewers. In ascertaining the size of the storm sewers, the Planning Commission may call up its technical staff or any public or private agency to assist it in its determinations.

3) Water Supply and Sewerage Connections. Where a public water supply or public sewerage system is reasonably accessible, the subdivider shall indicate a connection with such water supply or sewerage system and a water and sewerage connection for each lot with such material and to such size and length as shall be approved by the Planning Commission. Where a public water supply or public sewerage system is not reasonably accessible or not planned for in the future, an alternate method of water supply and sewerage disposal may be indicated and shall be approved in writing by the county health officer.

4) Community Assets. In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical sites, and similar community assets which, if preserved, will add attractiveness and value to the property.

E. Sustainability of the Land. The Planning Commission shall not approve the subdivision of land, if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Fill may not be used to raise land in areas subject to flood unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

F. Large Tracts of Parcels. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further reusability.

G. Group Housing Developments. A comprehensive group housing development, including large scale construction of housing units and mobile home sites together with necessary drives and ways of access, may be approved by the Planning Commission, although the design of the project does not include standard street, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

1) Mobile Home Parks. All mobile home parks within the corporate limits shall comply with Title 11, Chapter 5, Church Hill Municipal Code and/or these regulations. When conflicting, the most restrictive regulation shall apply. Proposed mobile home park developments shall be submitted to the Planning Commission for preliminary and final approval.

a) Any mobile home park development within the Church Hill Planning Region must be submitted to the Church Hill Regional Planning Commission for approval. A mobile home park shall mean any plot of ground upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. No mobile home park shall contain less than two (2) acres if located outside the corporate limits or five (5) acres if located inside the corporate limits.

b) The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Church Hill Regional Planning Commission for approval. The plans shall show:

1. The park plan drawn to scale;
2. The area and dimensions of the proposed park;
3. The location and width of all roadways;
4. The location and dimensions of any proposed service buildings and structures;
5. The location of all water and sewer lines;
6. The location of all equipment and facilities for refuse disposal and other park improvements;
7. A plan for drainage of the park;
8. A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct;
9. Certificate of signature of the health officer;
10. A certificate for Planning Commission approval; and
11. Any other information deemed pertinent by the

Planning Commission.

- c) The site shall meet the following minimum standards:
1. The site shall be located on a well drained and flood free site with proper drainage.
  2. The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
  3. The site shall be located with direct access to an open public street.
  4. There shall be buffer strips along side and rear lot lines of the park. Buffer strip shall mean a plant material which will provide a screen not less than six feet in height.
  5. The mobile home park shall have a maximum density of 10 mobile home units per gross acre. All mobile home units shall abut on a driveway with unobstructed access to an open approved public street. Each mobile home shall be set back a minimum of ten (10) feet from property lines, and there shall be a minimum distance of 20 feet between mobile homes.
  6. Each mobile home space shall be provided with a 200 square foot vehicular parking area.
  7. No service building shall be located less than 20 feet from any mobile home space. Service buildings shall be of permanent construction, adequately ventilated and lighted and built in conformity to all city codes and ordinances.
  8. Municipal water supply or an alternate source and sanitary sewer facilities approved by the county health officer shall be provided to each mobile home space.
  9. Each mobile home park shall provide a common area for playgrounds, and leisure time pursuits totaling a minimum of 500 square feet for each mobile home space exclusive of roadways, mobile home spaces, and parking spaces.
  10. All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary condition.
  11. The drives, walks, and parking areas shall be paved with a hard surface material which shall be not less than

a double bituminous surface.

12. Driveways shall be a minimum of 20 feet in width.

13. Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.

14. The park shall be adequately lighted.

2) Planned Unit Development. Planned unit subdivisions may be approved by the Planning Commission provided they are connected to a publicly approved sewerage system and conform to the overall intent of these regulations.

H. Mobile Home Subdivisions. The Planning Commission may approve a subdivision with lots designed and established exclusively for mobile homes. A mobile home is a detached single family dwelling unit with the following characteristics: (a) designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels, or on a flat-bed or other trailers or detachable wheels; and © arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like. Mobile home subdivisions shall meet the following standards.

1) The minimum lot sizes, setbacks, and yard requirements shall be the same as those established in this Article.

I. Variances. Variances may be granted under the following conditions:

1) Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship; or

2) Where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized and the reasons therefore shall be stated in writing in the minutes of the Planning Commission.

J. Zoning or Other Regulations. No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms with such ordinance.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations, the highest standard shall apply.

## Article IV. Development Prerequisite to Final Approval

A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community from a potential tax liability. The following tangible improvements are required before final plat approval in order to assure the physical reality of a subdivision which approval and recordation will establish legally.

### A) Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, and to install curbs, monuments, sewers, storm water inlets and water mains, in accordance with specifications established by the Church Hill Regional Planning Commission. Where specifications adopted by local authorities conflict with standards as set forth in these subdivision regulations, the higher set of standards, as determined by the Planning Commission, shall govern.

#### 1) Monuments

- a) Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monuments shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- b) All other corners and points shall be marked with iron pipe or solid steel rod not less than one-half ( $\frac{1}{2}$ ) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

#### 2) Grading

All streets, roads and alleys shall be graded or filled horizontally to the full width of their rights-of-way by the subdivider or developer. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the Planning Commission.

- a) Preparation. Before grading is started the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials.
- b) Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below subgrade.

c) Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places needed. Excess materials including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed six (6) inches loose and compacted by a sheep's foot roller. Unless another method of preparation of the subgrade is approved by Planning Commission, the subgrade shall be constructed as specified in Section 203 Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revision thereto. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, and where water is used to assist compaction the water content shall not exceed the optimum of moisture.

3) Storm Drainage

An adequate drainage system, including storm sewers, necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula and in no case shall the pipe be less than twelve (12) inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base but not on rock. Pipes shall be laid with spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed

4) Roadway Improvements

a) Base: A compacted base course six (6) inches deep and three (3) feet wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sacs, temporary turn arounds and access streets to adjoining properties, according to the method specified in Section 33, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor. In all cases the center line of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street. A compaction test

shall be performed at the expense of the developer by a certified laboratory to verify that all such streets comply with all appropriate standards. (Amended by Ordinance No. 255, October 19, 1993).

- b) Curbs: Except for rural streets as defined above, the subdivider shall install curbs of no lower classification than machine formed concrete extruded curb, nine (9) inches wide at the base and seven and one-half (7 ½) inches high. The curb shall be installed after the prime coat is applied to the base. Back fill shall be towards the curb to insure drainage of surface water into the drainage system.

In lieu of curbs as the drainage system on cul- de-sacs and loop streets in the planning region, the Planning Commission may accept one of two alternatives:

- 1) swages may be used on streets where the finished grade does not exceed two (2) percent; or
- 2) A street with an inverted crown may be used provided that the drainage area of the street does not exceed five (5) acres.

One-half (½) inch to three-fourths (¾) inch expansion and contraction joints for the curbs shall be placed at intervals not exceeding forty (40) feet.

- c) Prime Coat: After a thoroughly compacted base has been established, a prime coat shall be applied as specified in Section 402, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highway and Public Works - January 1, 1968, and latest revision thereto. In no event is the prime coat or binder to be less than two inches (2") deep. (Amended by Ordinance No. 255, October 19, 1993).
- d) Wearing Surface: The wearing surface shall consist of surface course constructed with asphalt concrete, prepared with mineral aggregate, laid hot as specified under Section 411, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. It shall be constructed in one layer not less than one (1) inch thick to conform to the lines, grades and cross sections indicated on a plan approved by the inspecting engineer. (Amended by Ordinance No. 255, 10/19/1993).
- 5) Minimum Pavement Width
- Due to the diversity of development in the Church Hill Planning Region ranging from sparsely populated agricultural areas to the densely populated urban areas, required widths for the surface treatment of roadways (by the developer) will necessarily vary with the character of

building development and the amount of traffic encountered. Minimum widths for surface treatment of roads and streets shall be those indicated below.

- a) Arterial Streets (not usually paved by developer)
- b) Collector Streets 28 feet
- c) Minor Residential 26 feet  
Most minor streets in residential developments involve parking and/or considerable traffic. (Amended by Ordinance No. 255, October 19, 1993)
- d) Marginal Access 20 feet  
Maximum length 1200 feet or 25 dwelling units.
- e) Loop Streets 20 feet  
Maximum length 1000 feet or 25 dwelling units.
- f) Dead-end Streets (cul-de-sacs) 20 feet  
Maximum length 500 feet or 15 dwelling units.
- g) Rural Streets 18 to 20 feet  
Without curbs - minimum of one-acre lots and 150 feet frontage.

6) Installation of Utilities

After grading is completed and approved and before any base is applied, all of the underground work - water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.

7) Water Supply System

Water mains properly connected with the community water supply approved by the county health officer shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. Fire hydrants are required to be installed when 6" water lines are available.

The size of water mains, the location and type of valves and hydrants, the amount of soil cover the pipes and other features of the installation shall be approved by the Planning Commission upon the recommendation of the Superintendent of Water and Light Commission or other applicable inspection agencies, and shall conform with accepted standards of good practice for municipal water systems.

8) Sanitary Sewers

- a) Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the county health officer.

- b) All lots connected to a sewer system shall be approved by the utility operating the system. They shall meet all requirements of the state health department and shall be approved by the Hawkins County Health Department.
  - c) Subdividers shall supply all data required for the installation and/or operation of the sewerage system to the appropriate utility district, Hawkins County Health Department, and the Tennessee State Department of Health.
- 9) Erosion Control  
The Planning Commission, shall require seeding or other conservation measures of all areas subject to erosion.
- 10) Street Name Signs  
Appropriate street signs also add sales value to land subdivisions and enable strangers, delivery concerns and even potential lot buyers to find their way around. Street name signs, stop signs, and other traffic control signs as designated by the Planning Commission will aid the subdivider with specifications for the construction, placing, and setting of such signs.
- B) Guarantee in Lieu of Completed Improvements. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the County Register of Deeds until one of the following conditions has been met:
- 1) All required improvements have been constructed in a satisfactory manner and approved by the City of Church Hill, Tennessee.
  - 2) The Planning Commission has accepted a security or performance bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city in the event of default of the subdivider. The conditions of such security or performance bond shall provide for the installation of the improvements covered by such bond within a period of not to exceed one (1) year; provided, however that such period may be extended by the Planning Commission with the consent of the parties thereto if the Planning Commission finds that the public interest will not be adversely affected by such extension. If the Planning Commission shall decide at any time during the performance bond that the extent of the building

development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond, that required improvements have been installed as provided in this Section in sufficient amount to warrant reduction in the face amount of said bond, or that the character and the extent of such development require additional improvements for any or all such improvements, the face value of such performance bond shall thereupon be reduced or increased by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements.

Performance bonds which are submitted in lieu of the installation of required improvements shall be in cash or made by a surety company authorized to do business in the State of Tennessee. In the case of a surety company, the performance bond shall be prepared according to the form as shown in Attachment A, said Attachment A is made a part of these subdivision regulations.

#### Article V. Enforcement and Penalties for Violations

The enforcement of these regulations and penalties for the unapproved recitation or transfer of land is provided by state law in the authority granted by public acts of the State of Tennessee.

##### A) Enforcement

- 1) No plat or plan of a subdivision of land into two or more lots located within the Church Hill Planning Region shall be admitted to the land records of the county or received or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Title 13, Tennessee Code Annotated.

##### B) Penalties

- 1) No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Section 13-3-402, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
- 2) Sections 13-4-307 and 13-3-406, Tennessee Code Annotated, provides that "Whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such

land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required by this Act and before such plat be recorded in the office of the county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties." In this case of the Regional Planning Commission, Section 13-3-410 provides that the county through its county attorney, or other official designated by the county commission may enjoin such transfer or sale or agreement by action of injunction.

- 3) Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner or the solicitor of the municipality or other official designated by the chief legislative body and/or the county attorney or other official designated by the county commission may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.

Article VI. Adoption and Effective Date

Before adoption of these subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the Planning Commission, thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in each county lying wholly or partly in the planning region.

Adopted April 5, 1973

Effective \_\_\_\_\_

Signed \_\_\_\_\_  
Secretary Church Hill Regional Planning Commission

**ATTACHMENT A**

**PERFORMANCE BOND FORM**

KNOW ALL MEN By these presents;

WHEREAS \_\_\_\_\_ Principal herein is the owner and developer of the \_\_\_\_\_ Subdiv isio n lo ca te d in C hurch Hill, Tennessee and \_\_\_\_\_, a surety company authorized to do business in the State of Tennessee (hereinafter called the "surety") and

WHEREAS, the plans and specifications of said subdivision showing the location, construction and installation of streets, roads, curbs and utilities and other improvements therein have been filed with the Church Hill Regional Planning Commission for final approval, and which are referred to and made a part of this instrument, as if fully copied and set forth herein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all streets, roads, sidewalks, curbs, and utilities, and all other improvements in the said subdivision in accordance with the plans and specifications attached hereto and made a part of this bond.

NOW, THEREFORE, the \_\_\_\_\_, as Principal and \_\_\_\_\_, as Surety, do hereby firmly bind ourselves, our heirs, executors, administrators and successors unto the Church Hill Regional Planning Commission for and on behalf of Church Hill, Tennessee in the sum of \_ conditioned upon the performance by the Principal of its undertaking herein, and its completion of said \_ subdivision in the construction of all the streets, sidewalks, roads, curbs, and all other improvements therein called for by the plans and specifications attached hereto, the same to be completed on or before the \_\_ day of \_\_\_\_\_, 20 \_\_, and, upon the completion thereof, this obligation to be null and void, otherwise to remain in full force and effect.

If the principal fails to complete the construction, and the improvements of said subdivision as shown and provided for by said plans and specifications attached hereto, within the time by order duly made and entered by the said commission for a period of up to 90 days, said extension to be granted in writing and certified by the Secretary of the Church Hill Planning Commission.

WITNESS our hands this the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

WITNESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Surety

I, \_\_\_\_\_, do hereby certify  
(Agent of the Surety Company)

that the \_\_\_\_\_ is authorized  
(Name of the Surety Company)

to do business in the State of Tennessee as of the last date hereinabove set out.

\_\_\_\_\_  
(Agent of the Surety Company)

**ATTACHMENT B**

**FORMS FOR FINAL PLAT CERTIFICATIONS**

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open space to public or private use as noted.

\_\_\_\_\_, 20\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

**CERTIFICATE OF ACCURACY**

I hereby certify that the plan shown and described herein is a true and correct survey to the accuracy required by the Church Hill Regional Planning Commission and that the monuments have been placed as shown hereon, to the specifications of the subdivision regulations.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Registered Engineer or Surveyor

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

I hereby certify that the private water supply and/or sewage disposal utility system or systems installed, or proposed for installation, fully meet the requirements of the Tennessee State Health Department, and are hereby approved as shown.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
County Health Officer or His Authorized  
Representative

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that streets, utilities and \_\_\_\_\_  
\_\_\_\_\_ have been installed in an acceptable manner and  
according to specifications or, (2) that a surety bond in the amount of  
\$\_\_\_\_\_ has been posted with the Planning Commission to assure  
completion of all required improvements in case of default.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
County Engineer or County Road  
Commissioner

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown here has been found to comply with the Subdivision Regulations for Church Hill, Tennessee, with the exception of such variance, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the county register.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Secretary, Planning Commission

## **ATTACHMENT C**

### **SUBDIVISION INSPECTION PROCEDURES**

In order to insure the proper development of subdivisions within the Church Hill Planning Region, a subdivision inspection system has been established. The Planning Commission has appointed a committee to inspect the progress of all developing subdivisions within its jurisdiction. The committee will inspect each developing subdivision three (3) times.

1. There will be an inspection immediately following clearance of the right-of-way;
2. Immediately following the laying and compacting of the 6" stone base; and
3. Before final approval is requested in order to insure that curbing, paving, backfilling, seeding, etc., have been accomplished.

The developer of a subdivision will be responsible for notifying the committee during each of the above mentioned steps. The committee will make its inspection promptly to insure a minimum of delay of the developer.

Inspection committee contacts are listed below. Failure to notify the committee of completion of each step mentioned above could delay final approval of a subdivision.

#### **Committee contacts:**

Tennessee State Planning Office  
Johnson City, Tennessee 37601  
928-8176

City of Church Hill  
Recorder's Office  
357-6161

**ORDINANCE NO. 10-438**

**AN ORDINANCE ADOPTING AND ENACTING A  
CODIFICATION AND REVISION OF THE  
ORDINANCES OF THE CITY OF CHURCH HILL,  
TENNESSEE.**

**WHEREAS** some of the ordinances of the City of Church Hill 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 Church Hill, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Church Hill Municipal Code," now, therefore:

**BE IT ORDAINED BY THE BOARD OF MAYOR AND  
ALDERMEN OF THE CITY OF CHURCH HILL, TENNESSEE,  
THAT:**

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

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

**Section 3. Ordinances saved from repeal.** The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any

contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such

- code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than 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." <sup>1</sup>

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

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

<sup>1</sup>State law reference For authority to allow deferred payment of fines, or payment by installments see Tennessee Code Annotated, § 40-24-101 et seq.

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**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

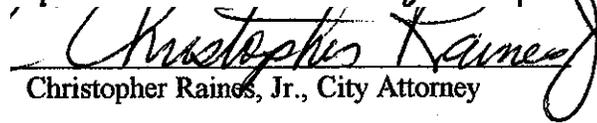
municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

**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.

Dennis W Deal, Mayor

ATTEST:

  
Mark Sandidge, City Recorder

  
Christopher Raines, Jr., City Attorney