

**THE  
CLIFTON  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

May 1999

**CITY OF CLIFTON, TENNESSEE**

**MAYOR**

Wayne Brandon

**VICE MAYOR**

Eva Ruth Warren

**COMMISSIONERS**

Tommy Boyd  
William Burns  
Robert Culp

**MANAGER**

Kevin Helms

**RECORDER**

Barbara A. Culp

## Preface

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

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

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

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

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

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

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Linda Dean, the MTAS Sr. Word Processing Specialist and Bobbie J. Sams, Word Processing Specialist who did all the typing on this project, and Sandy Selvage and Tracy G. Gardner, Administrative Services Assistants, is gratefully acknowledged.

Steve Lobertini  
Codification Consultant

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

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

**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. CITY MANAGER.
4. RECORDER.

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<sup>1</sup>Charter reference

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

Municipal code references

Fire department: title 7.

Water and sewers: title 18.

Zoning: title 14.

## CHAPTER 1

### **BOARD OF COMMISSIONERS<sup>1</sup>**

#### SECTION

1-101. Time and place of regular meetings.

1-102. Meetings; quorum; rules of proceeding; powers of board.

1-103. Number of commissioners.

**1-101. Time and place of regular meetings.** Pursuant to Tennessee Code Annotated, § 6-20-207, the time and place at which the regular meeting of the Board of Commissioners of the City of Clifton, Tennessee, shall be the third Monday of each and every month at the Clifton City Hall in Clifton, Tennessee at 7:00 P.M. (CST). Provided however, the board of commissioners may reschedule or cancel a future regular monthly meeting upon the approval of a majority of the board of commissioners at any meeting of the board prior to the date of the regular meeting to be rescheduled or canceled. Additionally, regular meetings falling on a city recognized holiday or Frank Hughes School graduation night will be held on the first weekday following the holiday at the regular time and place. (Ord. #161, Jan. 1999, as amended by Ord. #178, Aug. 2001, and Ord. #191, June 2003)

**1-102. Meetings; quorum; rules of proceeding; powers of board.** Any regular meeting of the board of commissioners may be adjourned to meet on any other day before the regular meeting, and any and all business that may

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<sup>1</sup>Charter reference

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

Appointment and removal of city judge: § 6-21-501.

Appointment and removal of city manager: § 6-21-101.

Compensation of city attorney: § 6-21-202.

Creation and combination of departments: § 6-21-302.

Subordinate officers and employees: § 6-21-102.

Taxation

Power to levy taxes: § 6-22-108.

Change tax due dates: § 6-22-113.

Power to sue to collect taxes: § 6-22-115.

Removal of mayor and commissioners: § 6-20-220.

be transacted at regular meetings may be likewise transacted and considered at such adjourned meetings.

Special meetings may be called whenever in the opinion of the mayor or city manager, or any two commissioners, the welfare of the city demands it, the mayor or city recorder shall call such special meetings of the board of commissioners upon at least twelve hours written notice to each commissioner, the city manager and city attorney, served personally or left at his 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 meeting.

At all meetings of the board of commissioners, whether regular or adjourned, or special meetings, the mayor shall preside, or, in his absence, the vice mayor shall preside. At all meetings a majority of the members present shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalties as the board may provide.

The mayor shall have the right to determine the rules and proceedings at the meetings of the board of commissioners, subject to the charter of said City of Clifton, and he may arrest or cause the chief of police, or other police officer, to arrest, and may punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous conduct and behavior in the presence of the board and the board shall have power and may delegate it to any committee to subpoena witnesses and order the production of all books and papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its processes and to arrest and punish by fine and imprisonment, or both, any person refusing to obey such subpoena or order. But no fine for any one offense shall exceed fifty dollars (\$50.00) nor shall any imprisonment for any one offense exceed ninety days, but each day's continuance or refusal, as aforesaid, shall be a separate offense. The presiding officer or the chairman of any committee may administer oaths to witnesses and a journal shall be kept of all proceedings and the yeas and nays on all questions shall be entered thereon. (Ord. #2, Aug. 1944)

**1-103. Number of commissioners.** (1) Pursuant to authority conferred by Tennessee Code Annotated, § 6-20-101, the number of City Commissioners of the City Commission of Clifton, Tennessee, is hereby increased from three (3) members to five (5) members.

(2) At the next regular city election immediately following the adoption of this ordinance, the voters of the City of Clifton shall vote for four (4) commissioners and at the same election, shall also vote the approval or disapproval of this ordinance.

(3) If the majority of the voters of the City of Clifton shall be for approval of the ordinance, the two (2) commissioners receiving the highest

number of votes shall hold office for four (4) years and the other two shall hold office for a period of two (2) years.

(4) All persons who are registered voters of the City of Clifton, Tennessee, shall be entitled to vote in said election. (Ord. #70, May 1974)

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

1-201. Duties and powers.

**1-201. Duties and powers.** The mayor shall preside at all meetings of the board of commissioners, sign the journal of the board and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and perform all acts that may be required of him by the charter, and any ordinances duly enacted by the board of commissioners, consistent with the charter.

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<sup>1</sup>Charter references

Election: § 6-20-201.

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

May introduce ordinances: § 6-20-213.

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

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

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

**CHAPTER 3****CITY MANAGER**<sup>1</sup>**SECTION**

1-301. Duties and powers.

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

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<sup>1</sup>Charter references

Administrative head of city: § 6-21-107.

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

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

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

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

1-401. To keep record of business, etc.

1-402. To perform general administrative duties, etc.

**1-401. To keep record of business, etc.** The recorder shall keep a full and accurate record of all business transacted by the board of commissioners and shall preserve the original copy of all ordinances in a separate ordinance book.

**1-402. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the board of commissioners, the city manager, and the city which are assigned him. He shall also have custody of, and be responsible for, maintaining all corporate bonds, records, and papers of the city.

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<sup>1</sup>Charter references

Duties and powers: §§ 6-21-401 through 6-21-405.

Recorder as treasurer: § 6-22-119.

## TITLE 2

### BOARDS AND COMMISSIONS, ETC.

#### CHAPTER

1. BOARD OF ZONING APPEALS
2. HISTORIC DISTRICT ZONING COMMISSION.

#### CHAPTER 1

### BOARD OF ZONING APPEALS<sup>1</sup>

#### SECTION

- 2-101. Creation.
- 2-102. Membership.
- 2-103. Organization, rules, staff and finances.
- 2-104. Powers and duties.

**2-101. Creation.** The Board of Zoning Appeals of Clifton, Tennessee, is hereby created and established as authorized by Tennessee Code Annotated, §§ 13-7-205, 13-7-206, and 13-7-207. (Ord. #158, June 1998)

**2-102. Membership.** The municipal planning commission shall serve as the members of the board of zoning appeals. It consist of five (5) members. One of the members shall be the Mayor of Clifton or his designee. One shall be a member of the board of commissioners selected by the board, and the three (3) remaining members shall be citizens appointed by the mayor. The terms of the appointive members shall be for three (3) years, and shall coincide with the terms of the planning commission appointments. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointive member at his pleasure. The term of the mayor and the member selected from the board of commissioners shall run concurrently with their terms of office. All members of the board shall serve without compensation. (Ord. #158, June 1998)

**2-103. Organization, rules, staff and finances.** The board of zoning appeals offices shall be the same as the planning commission appointive members. The term of the chairman shall be for one year, with eligibility for

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<sup>1</sup>Municipal code reference

Sign regulations: Title 14.

reelection. The board shall adopt rules for its transactions, findings and determination, which record shall be a public record. The board 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. The expenditures of the board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the board of commissioners. (Ord. #158, June 1998)

**2-104. Powers and duties.** From and after the time when the board of zoning appeals shall have organized and selected its officers, together with the adoption of its rules of procedure, then said board shall have all the powers, duties and responsibilities as set forth in Tennessee Code Annotated, title 13. (Ord. #158, June 1998)

## CHAPTER 2

### HISTORIC DISTRICT ZONING COMMISSION<sup>1</sup>

#### SECTION

- 2-201. Creation and appointment.
- 2-202. Procedure.
- 2-203. Powers and duties.
- 2-204. Additional powers and duties.
- 2-205. Liability of members.
- 2-206. Jurisdiction.
- 2-207. Conflict of interest.

**2-201. Creation and appointment.** In accordance with Tennessee Code Annotated, § 13-7-401 a historic district zoning commission is hereby established.

The Clifton City Commissioners shall create a five (5) member historic district zoning commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the planning commission, at the time of this appointment; and the remaining members shall be appointed from the community in general. Historic district zoning commission members shall be appointed by the mayor, subject to confirmation by the city commissioners. Appointments to membership on the historic district zoning commission shall be arranged so that the term of one member shall expire each year and his/her successor shall be appointed in like manner in terms of five (5) years. All members shall elect a chairman from among themselves to preside over meetings (see the official by-laws of the historic district zoning commission, 1997) and amended (December, 1997). (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**2-202. Procedure.** A schedule of meetings of the historic zoning commission shall be established by the commission, or meetings may be held at the call of the chairman or by the majority of the membership (3 out of 5). All meetings of the commission shall be open to the public. The commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this chapter, through publication in an official newspaper or a newspaper of general circulation at last three (3) days immediately prior thereto. At least three (3) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the commission shall constitute final action of the

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<sup>1</sup>Municipal code reference

Historic zoning regulations: Title 14.

commission on any matter before it. The commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact. The minutes shall be prepared by the secretary of the commission and filed in the Official Journal of Proceedings for the City of Clifton, and kept for public reading. (Ord. #143, March 1996, as amended by Ord. #154, May 1998, modified)

**2-203. Powers and duties.** The historic district zoning commission shall have the following powers:

(1) To request detailed construction plans and related data pertinent to thorough review of any proposal before the commission.

(2) The historic district zoning commission shall within thirty (30) days following availability of sufficient data, direct the granting of an application with or without conditions (by the issuance of the certificate of appropriateness) or direct the refusal of an application providing the grounds for refusal are stated in writing.

(3) Upon review of the application for approval of an application, the commission shall give prime consideration to:

(a) Historic and/or architectural value of present structure;

(b) The relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;

(c) The general compatibility of exterior design, arrangement, texture and materials proposed to be used;

(d) To any other factor, including aesthetics, which is deemed pertinent. (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**2-204. Additional powers and duties.** The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the historic district zoning commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings. (Ord. #143, March 1996)

**2-205. Liability of members.** Any commission member acting within the powers granted by this chapter is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the city government until the termination of the procedure. (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**2-206. Jurisdiction.** The commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgment may have review by the courts by the procedures of statutory

certiorari as provided for in the Tennessee Code Annotated, §§ 27-9-102 and 27-9-103. (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**2-207. Conflict of interest.** Any member of the commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the commission therewith. (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**TITLE 3**  
**MUNICIPAL COURT<sup>1</sup>**

**CHAPTER**

1. CITY JUDGE.
2. BILL OF COST.
3. DRIVER EDUCATION AND TRAINING PROGRAM.

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

- 3-101. Qualifications.
- 3-102. Term.
- 3-103. Compensation.
- 3-104. Powers.

**3-101. Qualifications.** The city judge shall be at least twenty-one (21) years of age, shall be a resident of the City of Clifton, and shall be a person of

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<sup>1</sup>Charter references

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

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

good moral character and of a sound judicial temperament, and one learned in the law, though not necessarily professionally trained. (Ord. #60, Oct. 1968)

**3-102. Term.** The city judge shall serve at the will of the Board of Commissioners of the City of Clifton. (Ord. #60, Oct. 1968)

**3-103. Compensation.** The city judge shall be paid an annual salary as determined by the board of commissioners. (Ord. #60, Oct. 1968, modified)

**3-104. Powers.** The powers of such city judge shall be those set out and defined in Tennessee Code Annotated, § 6-21-501 and other applicable provisions of our public laws. (Ord. #60, Oct. 1968)

**CHAPTER 2**

**BILL OF COST**

**SECTION**

**3-201. Bill of cost.**

**3-201. Bill of cost.** Pursuant to the authority of Tennessee Code Annotated, §§ 6-21-507 and 16-17-105, be it ordained by the Board of Commissioners of the City of Clifton, that the following bill of cost, being similar or comparable to the same amounts, and for some of the same items allowed in general sessions courts for similar work in state cases, be and is hereby unanimously adopted this the \_\_\_\_ Day of \_\_\_\_\_ 2003.

(1) Disbursement of bill of cost will be as outlined:

General Account	\$83.25
State Litigation	\$13.75
Special Revenues/Training	\$7.50
Data Processing Fee	\$5.00
Driver Education	<u>\$2.50</u>
City Bill of Cost Total	\$112.00
Tax	<u>\$1.00</u>
Total	\$73.50

(2) Funding for continued education and training shall be established by placing a fee of \$7.50 for education/training on each citation or warrant process through the Municipal Court System of the City of Clifton.

(3) The Clifton Police Department shall implement a formal personnel development program designed to further the employee's professional growth and increase his/her capabilities in his/her present and/or future while employed with the City of Clifton.

(4) Continued education/training revenue funds will accumulate through the fiscal year with the following limitations:

(a) All funds accumulated over \$2,800.00 will be transferred into the general account.

(b) Accumulated funds may be carried from one fiscal year to the next.

(5) Funding for a court docket data processing system, shall be established by placing a fee of \$5.00 on each citation or warrant processed through the Municipal Court System of the City of Clifton.

(6) Court docket data processing funds will accumulate through the fiscal year with the following limitations:

(a) All funds accumulated will be used to purchase and pay annual support fees for a computerized court docket system.

(b) Accumulated funds may not be carried from one fiscal year to the next. All accumulated funds at the end of each fiscal year shall be transferred into the general account.

(7) Funding for a driver education program shall be established by placing a \$2.50 fee on each citation or warrant processed through the Municipal Court System of the City of Clifton.

(8) A driver education program shall be implemented to educate first time traffic violators about the hazards of traffic violations and laws that govern our roads.

(a) All funds accumulated will be used to purchase materials and offset the cost of equipment for a driver education program.

(b) Accumulated funds may be carried from one fiscal year to the next.

(c) Accumulated funds shall at no time exceed \$3,000. Any funds accumulated in excess of \$3,000 shall be transferred into the general account. (as added by Ord. #165, Aug. 1999, and amended by Ord. #189, May 2003)

## CHAPTER 3

### DRIVER EDUCATION AND TRAINING PROGRAM

#### SECTION

3-301. Driver education and training program.

**3-301. Driver education and training program.** (1) In an effort to comply with Tennessee Code Annotated, the City of Clifton is adopting Tennessee Code Annotated, § 55-50-505 in its entirety.

(2) With the passage of this chapter the Clifton Police Department will conduct a driver education and training program authorized by the State of Tennessee. This program will accept traffic violators sentenced to driving school by an authorized court of law established within the State of Tennessee. (as added by Ord. #168, Oct. 1999)

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

1. SOCIAL SECURITY.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. PERSONNEL SYSTEM.

#### CHAPTER 1

### SOCIAL SECURITY

#### SECTION

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

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the City of Clifton, Tennessee, to extend 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. (Ord. #33, April 1956)

**4-102. Necessary agreements to be executed.** The Mayor of the city of Clifton, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age and survivors insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (Ord. #33, April 1956)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at

such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. #33, April 1956)

**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; which shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. #33, April 1956)

**4-105. Records and reports to be made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (Ord. #33, April 1956)

**4-106. Exclusion.** 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. (Ord. #33, April 1956)

## CHAPTER 2

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

4-201. Title.

4-202. Purpose.

4-203. Coverage.

4-204. Standards authorized.

4-205. Variances from standards authorized.

4-206. Administration.

4-207. Funding the program.

4-208 – 4-212. [Deleted.]

**4-201. Title.** This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of City of Clifton. (Ord. #73, May 1975, as replaced by Ord. #185, July 2002)

**4-202. Purpose.** The board of commissioners, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.  
(2) Make, keep, preserve, and make available to the Commissioner of Labor of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program. (Ord. #73, May 1975, as replaced by Ord. #185, July 2002)

**4-203. Coverage.** The provisions of the occupational safety and health program for the employees of the City of Clifton shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Clifton whether part-time or full-time, seasonal or permanent. (Ord. #73, May 1975, as replaced by Ord. #185, July 2002)

**4-204. Standards authorized.** The occupational safety and health standards adopted by the City of Clifton 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 § 6 of the Tennessee

Occupational Safety and Health Act of 1972.<sup>1</sup> (Ord. #73, May 1975, as replaced by Ord. #185, July 2002)

**4-205. Variances from standards authorized.** The board of commissioners may, upon written application to the Commissioner of Labor of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with "Rules of Tennessee Department of Labor, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the board of commissioners 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 board of commissioners shall be deemed sufficient notice to employees. (Ord. #73, May 1975, as replaced by Ord. #185, July 2002)

**4-206. Administration.** For the purposes of this chapter, the public safety officer is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer safety standards. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter<sup>2</sup> when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #73, May 1975, as replaced by Ord. #185, July 2002)

**4-207. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of commissioners. (Ord. #73, May 1975, as replaced by Ord. #185, July 2002)

**4-208 – 4-212. [Deleted.]** (Ord. #73, May 1975, as replaced by Ord. #185, July 2002)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 5.

<sup>2</sup>The occupational safety and health program plan is included in this municipal code as Appendix 1.

## CHAPTER 3

### PERSONNEL SYSTEM

#### SECTION

- 4-301. Purpose of a personnel system.
- 4-302. Coverage.
- 4-303. Administration of the personnel system.
- 4-304. Personnel rules and regulations.
- 4-305. Personnel records.
- 4-306. Right to contract for special services.
- 4-307. Discrimination.
- 4-308. Amendments.

**4-301. Purpose of a personnel system.** The purpose of this chapter is to establish a system of personnel administration in the City of Clifton that is based upon merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapping condition.

**4-302. Coverage.** All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time employees in the city's service unless specifically placed in the exempt service.

Offices and positions of the municipal government placed in the exempt service are as follows:

- (1) All elected officials.
- (2) The city manager.
- (3) Members of appointed boards and commissions.
- (4) Consultants, advisers, and legal counsel rendering temporary professional service.
- (5) City attorney.
- (6) Independent contractors.
- (7) Persons employed not more than three (3) months during a fiscal year.
- (8) Part-time employees paid by the hour and not considered regular part-time.
- (9) Volunteer personnel appointed without compensation.
- (10) City judge.

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the city charter.

**4-303. Administration of the personnel system.** The personnel system shall be administered by the city manager or his designee, with the following duties and responsibilities:

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the city charter, and federal and state laws relating to personnel administration.

(2) Establish policies and procedures for the recruitment, appointment, and discipline of all employees of the municipality subject to those policies as set forth in this chapter, the city charter and the municipal code.

(3) Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the city charter and code, and subject to any required approval of the city commission and budget limitations.

(4) Foster and develop programs for the improvement of employee effectiveness, including training, safety, and health.

(5) Maintain records of all employees subject to the provisions of this chapter of the city code which shall include each employee's class, title, pay rates, and other relevant data.

(6) Make periodic reports to the city commission regarding the administration of the personnel system.

(7) Prepare and recommend to the city commission a pay plan for all municipal government employees.

(8) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government.

(9) Be responsible for certification of payrolls.

(10) Develop a city travel policy covering travel reimbursement for employees and elected officials in conformance with state law.

(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the city commission.

**4-304. Personnel rules and regulations.** The city manager shall develop further rules and regulations, in the form of a policies and procedures manual, necessary for the effective administration of the personnel system. The city commission shall adopt the rules and regulations presented to them by the city manager with any necessary amendments agreed to by the commission. Amendments to the rules and regulations shall be made in accordance with the procedure below.

**4-305. Personnel records.** The city recorder shall maintain adequate records of the employment history of every employee as specified herein.

**4-306. Right to contract for special services.** The city commission may contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary.

**4-307. Discrimination.** No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief.

**4-308. Amendments.** Amendments or revisions to the personnel rules and regulations may be recommended for adoption by the city manager. Such amendments or revisions of these rules shall become effective after adoption by the city commission.

**TITLE 5****MUNICIPAL FINANCE AND TAXATION<sup>1</sup>****CHAPTER**

1. REAL AND PERSONAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. PURCHASING REGULATIONS.

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

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

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<sup>1</sup>Charter reference

Finance and taxation: title 6, chapter 22.

<sup>2</sup>State law references

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

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

**5-101. When due and payable.**<sup>1</sup> Taxes levied by the city against real and personal property shall become due and payable annually on the first day of November of the year for which levied.

**5-102. When delinquent--penalty and interest.**<sup>2</sup> All real property taxes shall become delinquent on and after the thirty-first day of December next after they become due and payable, and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the charter.<sup>3</sup>

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<sup>1</sup>Charter references

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

<sup>2</sup>Charter references

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

<sup>3</sup>Charter reference

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

State law reference

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

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

## CHAPTER 2

### PRIVILEGE TAXES

#### SECTION

5-201. Tax levied.

5-202. License required.

**5-201. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act.

**5-202. License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the city manager or his designee to each applicant therefor upon the applicant's payment of the appropriate privilege tax.

## CHAPTER 3

### WHOLESALE BEER TAX

#### SECTION

#### 5-301. Tax levied.

**5-301. Tax levied.** There is imposed on the sale of beer at wholesale within the City of Clifton a tax of seventeen (17%) per cent of the wholesale price. Every wholesaler, on or before the twentieth day of each month, based on wholesale sales in the preceding calendar month, shall remit to the Recorder of the City of Clifton the amount of the net tax on his wholesale sales to retailers and other persons within the corporate limits of said municipality. For the purpose of this section all sales made by wholesalers at their places of business shall be deemed to be wholesale sales and the tax herein imposed shall be collected on all such sales. The tax collected on any such sales made to licensed retailers whose places of business are located in the City of Clifton shall be paid to the Recorder of the City of Clifton. For the purpose of calculating the tax, the wholesale price shall not include the amount charged as a deposit on returnable bottles, or kegs, provided such deposit does not exceed the actual value of the bottles, kegs, or cases to be returned. The amount of tax shall be taken to the nearest whole cent per case, keg, or carton. One-half of one per cent (1/2 of 1%) of the gross tax shall be remitted at the same time to the Department of Revenue of the State of Tennessee, to be kept, in a special fund and to be used only for expenses of the department in the administration of the so-called Wholesale Beer Tax Act. Three per cent (3%) of the gross tax shall be retained by the wholesaler to defray the cost of collecting and remitting the tax.

Each wholesaler doing business within the City of Clifton shall maintain a wholesale price list, and shall file same with the Recorder of the City of Clifton. Notice of any change in such price list shall be delivered to such city recorder.

Each wholesaler doing business within the City of Clifton shall fully comply with all rules and regulations and keep and maintain all records and submit any and whatever reports are required by the Department of Revenue of the State of Tennessee, under the so-called Wholesale Beer Tax Act, Tennessee Code Annotated, title 57, chapter 6, as amended. (Ord. #109, Jan. 1990)

## CHAPTER 4

### PURCHASING REGULATIONS

#### SECTION

5-401. Purchases not exceeding ten thousand dollars (\$10,000).

5-402. Purchases in excess of ten thousand dollars (\$10,000).

5-403. Exceptions to bidding requirement.

**5-401. Purchases not exceeding ten thousand dollars (\$10,000).**

The city manager is authorized to make the following purchases whose estimated costs do not exceed ten thousand dollars (\$10,000) without formal sealed bids and written specifications: commonly used items of material, supplies, equipment, and services used in the ordinary course of maintaining and repairing the city's real or personal property; building or maintaining stocks of city material, supplies and equipment used in the ordinary course of city operations; and minor construction, repair or maintenance services. However a record of all such purchases shall be maintained describing the material, supplies, equipment or service purchased, the person or business from whom it was purchased, the date it was purchased, the purchase cost, and any other information from which the general public can easily determine the full details of the purchase. Each purchase shall be supported by invoices and/or receipts and any other appropriate documentation signed by the person receiving payment. (Ord. #148, June 1997)

**5-402. Purchases in excess of ten thousand dollars (\$10,000).** The city manager is required to make purchases in excess of ten thousand dollars (\$10,000) based on written specifications, awarded by written contract let to the lowest responsive and responsible bidder following advertisement for, and the submission of, sealed bids. (Ord. #148, June 1997)

**5-403. Exceptions to bidding requirement.** The city manager is authorized to make the following purchases whose estimated cost is in excess of ten thousand dollars (\$10,000) without written specification or bid.

(1) Emergency purchases of material, supplies, equipment, or services. However, a report of the emergency purchase, including the nature of the emergency, the materials, supplies, equipment, or services purchased, and the appropriate documentation similar to that required under the first subsection above shall be filed with the city commission at its next regular meeting.

(2) The purchase of unique, special, or proprietary material, supplies, equipment, or services the city manager determines is in the best interest of the city to acquire. However, a report of the purchase, including a full description of the material, supplies, equipment, or services purchased, the reason the same is unique, special, or proprietary, the interest of the city served by the purchase,

and from whom the purchase will be made shall be filed with the city commission at its regular meeting prior to purchase.

(3) Purchases of equipment which, by reason or training of city personnel or all inventory of replacement parts maintained by the city, are compatible with the existing equipment owned by the city. However, a full report of the purchase, including a full description of the equipment, an outline of the municipal training or parts inventory factors that made the purchase economically advantageous to the city, and from whom the purchase will be made shall be filed with the city commission at its regular meeting prior to purchase.

(4) Purchases which can be made only from a sole source. The minimum geography for determining the "sole source" shall be the municipal limits. However, the city manager shall have the discretion to enlarge the geography of the sole source of whatever extent he determines is in the economic interest of the city. However, a full report of the purchase, including a full description of the purchase, evidence that the purchase was made legitimately a sole source purchase, and from whom the purchase will be made shall be filed with the city commission at its regular meeting prior to purchase. (Ord. #148, June 1997)

**TITLE 6**

**LAW ENFORCEMENT**

**CHAPTER**

**1. POLICE AND ARREST.**

**CHAPTER 1**

**POLICE AND ARREST<sup>1</sup>**

**SECTION**

6-101. Policemen to preserve law and order, etc.

6-102. When policemen to make arrests.

6-103. Disposition of persons arrested.

**6-101. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the city and enforce all local, state and federal laws.

**6-102. When policemen to make arrests.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person may 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 probable cause to believe the person has committed it.

**6-103. Disposition of persons arrested. Felonies or misdemeanors.** A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 4.

## TITLE 7

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

#### CHAPTER

#### 1. FIRE DEPARTMENT.

#### CHAPTER 1

#### FIRE DEPARTMENT<sup>2</sup>

#### SECTION

7-101. Appointment and terms of fire department personnel.

7-102. Duties of the fire chief.

7-103. Duties of assistants to the fire chief.

7-104. Compensation.

7-105. Fire marshal.

**7-101. Appointment and terms of fire department personnel.** The city manager shall appoint a fire chief, assistant fire chief, and such other supervisory and fire fighting personnel as, in his judgement, may be required. The service of all members of the fire department shall be subject to the discretion of the city manager. (Ord. #38, Nov. 1956, modified)

<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshall: § 6-21-704

Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

Municipal code reference

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

**7-102. Duties of the fire chief.** It shall be the duty of the fire chief to:

- (1) Take all proper steps for the prevention and suppression of fires.
- (2) Take complete charge of all equipment and personnel at the scene of a fire.
- (3) To assist the city manager in the selection of a fire fighting crew and to see that all members of the crew receive proper training.
- (4) To supervise the care and maintenance of all city fire fighting equipment. (Ord. #38, Nov. 1956)

**7-103. Duties of assistants to the fire chief.** (1) It shall be the duty of the assistant fire chief or other designated supervisors to act in the absence of the chief.

(2) It shall be the duty of the chief engineer to supervise the operation and maintenance of fire truck and fire fighting equipment, subject to the orders of the fire chief. He shall keep the fire engine in condition for instantaneous operation at all times.

(3) It shall be the duty of the chief engineer to assist in the training of other members of the crew in the operation of the fire engine, pumps, fire hose, and other equipment. (Ord. #38, Nov. 1956)

**7-104. Compensation.** The fire chief and other members of the fire department shall receive such compensation as may be established by the board of commissioners. (Ord. #38, Nov. 1956)

**7-105. Fire marshall.** The city manager may appoint a fire marshall whose duties shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby. (Ord. #38, Nov. 1956)

## TITLE 8

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

#### CHAPTER

#### 1. BEER.

#### CHAPTER 1

#### BEER

#### SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Application requirements.
- 8-109. Privilege tax.
- 8-110. Beer permits--types of permits.
- 8-111. Classification of on-premise permits.
- 8-112. Temporary permits.
- 8-113. Interference with public health, safety, and morals prohibited.
- 8-114. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-115. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
- 8-116. Revocation of beer permits.
- 8-117. Civil penalty in lieu of suspension.
- 8-118. Violations.

**8-101. Beer board established.** There is hereby established a beer board to be composed of the board of commissioners. The mayor shall be the chairman of the beer board.

**8-102. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

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

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

**8-105. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate, supervise, and control the issuance, suspension, and revocation of permits to sell, store for sale, distribute for sale, and manufacture beer within this municipality in accordance with the provisions of this chapter.

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

**8-107. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). 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.

A permit shall be valid only for the owner to whom the permit is issued and cannot be transferred to another owner. A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business, or change in the business's name;

provided, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name.

**8-108. Application requirements.** Applications for such permits shall be made with the city recorder on a form provided by the city. Said form shall be signed by the applicant, if an individual, or by oath or affidavit if a corporation, and shall, at a minimum, contain the following information:

(1) The name, age, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name of such person.

(2) The character of business of the applicant and in the case of a corporation, the objects for which it was formed, including a statement indicating what type or classification of permit desired.

(3) The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.

(4) The location and description of the premises or place of business which is to be operated under such license.

(5) A statement whether the applicant has made application to the city for a similar or other license on premises other than described in this application, and the disposition of such application.

(6) A statement that neither the applicant nor any persons employed by him in such business shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten years.

(7) A statement whether the person so applying will conduct the business in person or whether he is acting as agent for any other person, firm, corporation, syndicate, association, or joint-stock company.

(8) Whether a previous license by any county or municipality of the state has been revoked, and the reason therefor.

(9) A statement that no sale shall be made to minors.

(10) A statement that the applicant will not violate any of the laws of the State of Tennessee, or of the United States, or any ordinance of the City of Clifton in the conduct of his place of business, or knowingly allow any employee or agent of his to do so.

Any person making false statement in said application shall forfeit his permit and shall not be eligible to obtain another permit for a period of ten (10) years.

**8-109. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100). The city shall notify each permit holder by December 1 of each year of the tax due date. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on or before January 31, to the City of Clifton, Tennessee. If the tax is not paid by January 31, the city may take all action necessary to collect the tax as provided by Tennessee Code Annotated, § 57-5-104(3), including permit revocation or imposition of a civil penalty.

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.

**8-110. Beer permits—types of permits.** 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.

Permits for the retail sale of beer shall be of two (2) types:

(1) On-premise permits. On-premise permits shall be issued for the consumption of beer on the premises in accordance with the provisions of this chapter and any other restrictions required by the beer board.

(2) Off-premise permits. Off-premise permits shall be issued for the sale of beer for consumption off the business premises in accordance with the provisions of this chapter and any other restrictions required by the beer board.

A business desiring to sell beer for both on premise and off premise consumption shall indicate such on the permit application and the beer board may issue a single permit for such an operation. If a holder of a beer permit for either on-premises or off-premises consumption desires to change the permit holder's method of sale, the permit holder shall apply, at no cost, to the beer board for an amended permit.

It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

**8-111. Classification of on-premise permits.** Permits for the sale of beer for on-premise consumption shall be issued according to the following classes:

(1) Restaurant. Restaurant shall mean any business establishment whose primary business is the sale of prepared food. A restaurant as so defined shall be a public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, and such place being provided with adequate dining room equipment and a separate room dedicated to food preparation containing commercial grade cooking equipment

including at a minimum a stove/oven, grill and refrigerator/freezer and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Said restaurant shall serve at least two (2) meals per day, five (5) days a week or derive at least fifty percent (50%) of its gross sales from the sale of food and non-alcoholic beverages.

(2) Tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises or otherwise does not meet the definition of a restaurant or private club.

(3) Non-profit club. Non-profit club shall mean a nonprofit association organized and existing under the laws of the State of Tennessee consisting of members regularly paying dues, organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any shareholder or member; and owing, hiring or leasing a building or space therein for the reasonable use of its members; provided that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of beer or other permitted alcoholic beverages beyond the amount of such salary as may be fixed by its members at an annual meeting or by its governing body out of the general revenue of the club. For the purpose of this section, tips which are added to the bills under club regulations shall not be considered as profits hereunder.

(4) Private club. Private club shall mean a for-profit club organized and existing under the laws of the State of Tennessee which has at least 25 members regularly paying dues of at least \$1.00 per year. Said club shall own, hire or lease a building or space therein for the exclusive use of its members and their guests, as defined and authorized in the club's written membership policy; provided that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of beer or other permitted alcoholic beverage beyond the amount of such salary as may be fixed by its members or shareholders at an annual meeting or by its owner out of the general revenue of the club. For the purpose of this section, tips which are added to the bills under club regulations shall not be considered as profits hereunder. Such club shall not discriminate against any patron or potential member on the basis of gender, race, religion or national origin.

Permits shall be valid only for a single location and cannot be transferred to another location. An on-premise consumption permit shall be valid for all decks, patios, docks, and other outdoor serving areas that are operated by the business, unless otherwise restricted by the beer board at the time of permit issuance. (as amended by Ord. #167, Sept. 1999, and Ord. #180, March 2002)

**8-112. Temporary permits.** Temporary beer permits may be issued at the request of an applicant upon the same terms and conditions governing permanent permits. Temporary permits shall be issued as one of two types:

(1) A single event permit. A single event permit shall be valid for a maximum of thirty (30) days, with the actual number of days to be determined by the beer board based upon the information provided by the applicant.

(2) A multiple event permit. A multiple event permit may be issued for a fixed number of events during a calendar year. The exact dates and locations of each event must be approved by the beer board at the time of issuance of the permit, or if exact dates are not known at the time of permit issuance, subsequent approval at a future beer board meeting must be obtained prior to the event.

If the events covered by a temporary permit will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the temporary permit application. Such a temporary permit shall not allow the sale, storage or manufacture of beer on publicly owned property unless said applicant is a bona fide charitable or nonprofit organization and can show that the owner of the publicly owned property approves of the permit application. The beer board is authorized to place any and all restrictions it deems necessary on temporary permits, including but not limited to restricted hours of sale and limitations on the number of sale locations/stations.

**8-113. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when the beer board determines that such business would cause congestion of traffic or would interfere with schools, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals.

**8-114. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

**8-115. 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 person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

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

(3) For tavern on-premise consumption permits, make or allow any sale of beer between the hours of 2:00 AM and 6:00 AM during any night of the week; and between the hours of 2:00 AM and 11:59 AM on Sunday. Holders of permits for off-premise consumption only, restaurant on-premise consumption, non-profit club and private club on-premise consumption or combination off-premise consumption/restaurant on-premise consumption may make or allow the sale of beer at any time said business is open.

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

(5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

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

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

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

(9) Fail to provide and maintain separate sanitary toilet facilities for men and women. (as amended by Ord. #167, Sept 1999)

**8-116. Revocation of beer permits.** (1) The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. 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.

Where a permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises until after the expiration of one (1) year from the date the revocation becomes final and effective. The board, in its discretion, may determine that issuance of a permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such issuance is not the original holder of the permit or any family member who could inherit from such individual under the statute of intestate succession.

(2) No permit or license shall be revoked on the grounds the operator or any person working for the operator sells beer to a minor over the age of eighteen (18) years if such minor exhibits an identification, false or otherwise, indicating the minor's age to be twenty-one (21) or over, if the minor's appearance as to maturity is such that the minor might reasonably be presumed to be of such age and is unknown to such person making the sale. The license

or permit may be suspended for a period not to exceed ten (10) days or a civil penalty up to one thousand five hundred dollars (\$1,500) may be imposed pursuant to § 8-117.

(3) The action of the beer board in connection with the issuance of any order of any kind, including the revocation or suspension of a permit, imposition of a civil penalty or the refusal to grant a permit under this chapter, may be reviewed by statutory writ of certiorari, with a trial de novo as a substitute for an appeal, the petition of certiorari to be addressed to the circuit or chancery court of Wayne County.

**8-117. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

**8-118. Violations.** Except as provided in § 8-117, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

**TITLE 9**

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

**CHAPTER**

**1. CABLE TELEVISION.**

**CHAPTER 1**

**CABLE TELEVISION**

**SECTION**

9-101. To be furnished under franchise.

**9-101. To be furnished under franchise.** Cable television service shall be furnished to the City of Clifton and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Clifton and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>2</sup>

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

<sup>2</sup>For complete details relating to the cable television franchise agreement see Ord. #89 dated January 12, 1987 in the office of the city recorder.

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
- 10-102. Definition.
- 10-103. Violation; seizure and disposition.

**10-101. Running at large prohibited.** No person owning or having in his or her possession, or under his or her control, any livestock or domestic fowls within the limits of the City of Clifton, or near the corporate limits of such City of Clifton, shall permit or allow the same to run at large upon the streets or alleys of the City of Clifton, or upon the premises of others without the permission of the owner or owners of such premises. (Ord. #4, Aug. 1944)

**10-102. Definition.** The term "livestock" shall include horses, mares, mules, asses, cows, bulls, calves, sheep, goats and hogs; and the term "domestic fowls" shall include chickens, turkeys, guineas, geese and ducks. But the inclusion of those animals and domestic fowls specified shall not be held to exclude any others of like species or classes. (Ord. #4, Aug. 1944)

**10-103. Violation; seizure and disposition.** Any person found guilty of violating either of the provisions of this chapter shall be deemed guilty of a misdemeanor, and shall be fined for each offense not less than two dollars and fifty cents (\$2.50) and not more than fifty dollars (\$50.00); and any animal or fowl found running at large may be taken up, impounded and held by the person designated by the city for such duties until the owner or party in possession or control of same shall have paid any fine and costs assessed against him or her; or such animals and fowls may be sold, killed, or otherwise disposed of to pay reasonable costs of taking up, feeding, watering and otherwise caring for and disposing of such animal or fowl. (Ord. #4, Aug. 1944, modified)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Unlawful abandonment.
- 10-210. Violation and penalty.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (Ord. #9, Sept. 1944, as replaced by Ord. #163, Nov. 1999)

**10-202. Dogs to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (as replaced by Ord. #163, Nov. 1999)

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

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #9, Sept. 1944, as replaced by Ord. #163, Nov. 1999)

**10-204. Vicious dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 68-8-109

reasonably for the protection of other animals and persons. A violation of this section shall subject the offender to a penalty of up to the three hundred fifty dollars (\$350) for each offense. (as added by Ord. #163, Nov. 1999)

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (as added by Ord. #163, Nov. 1999)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary or may authorize medical testing procedures to determine if such dog is rabid. (as added by Ord. #163, Nov. 1999)

**10-207. Seizure and disposition of dogs.** Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of commissioners. If the dog is wearing a tag the owner shall be notified in person, by telephone, or by postcard addressed to his last-known mailing address to appear within seven (7) days and redeem his dog by paying a reasonable fee, in accordance with a fee approved by the board of commissioners. This fee shall be an increasing fee based upon the number of times that the owner has had an animal seized by the city. The fee shall be twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense, and one hundred dollars (\$100.00) for the third offense. In addition, a daily boarding fee of five dollars (\$5.00) will apply. Animals not claimed by the owner within seven (7) days shall be humanely sold or destroyed. Those individuals appearing in court will be subject to fines and cost as set by the city judge. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within seven (7) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and has a tag evidencing such vaccination placed on its collar. (as added by Ord. #163, Nov. 1999, and amended by Ord. #179, Nov. 2001)

**10-208. Destruction of vicious or infected dogs running at large.** When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer<sup>1</sup>. (as added by Ord. #163, Nov. 1999)

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<sup>1</sup>State law reference

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

**10-209. Unlawful abandonment.** It shall be unlawful to abandon an animal within the City of Clifton. Such abandonment shall carry a fine of five hundred dollars (\$500) per dog. (as added by Ord. #163, Nov. 1999)

**10-210. Violation and penalty.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punished under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #163, Nov. 1999)

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

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

**11-101. 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 in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (Ord. #66, Jan. 1972)

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<sup>1</sup>Municipal code references

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

<sup>2</sup>Municipal code reference

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

State law reference

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

**11-102. Minors in beer places.** No minor under twenty-one (21) 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. (Ord. #66, Jan. 1972)

**CHAPTER 2**

**FORTUNE TELLING, ETC.**

**SECTION**

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (Ord. #66, Jan. 1972)

## CHAPTER 3

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

**11-301. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (Ord. #66, Jan. 1972)

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

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

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, 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 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, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital or other type of residence, or of any person in the vicinity.

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

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

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

(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, unless a permit is issued by the city recorder.

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

(a) Municipal vehicles. Any vehicle of the municipality 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 municipality, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address

system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (Ord. #66, Jan. 1972)

## CHAPTER 4

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

- 11-401. Escape from custody or confinement.
- 11-402. Impersonating a government officer or employee.
- 11-403. False emergency alarms.
- 11-404. Resisting or interfering with an officer.
- 11-405. Coercing people not to work.

**11-401. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (Ord. #66, Jan. 1972)

**11-402. Impersonating a government officer or employee.** No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (Ord. #66, Jan. 1972)

**11-403. False emergency alarms.** It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (Ord. #66, Jan. 1972)

**11-404. Resisting or interfering with an officer.** It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (Ord. #66, Jan. 1972)

**11-405. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (Ord. #66, Jan. 1972)

## CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

## SECTION

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

**11-501. Air rifles, etc.** It shall be unlawful for any person in the municipality 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. (Ord. #66, Jan. 1972)

**11-502. Throwing missiles.** It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (Ord. #66, Jan. 1972)

**11-503. Weapons and firearms generally.** It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, to any conductor of any passenger or freight train of any steam railroad while he is on duty, nor to any individual with a valid hand gun carry permit issued in accordance with state law. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (Ord. #66, Jan. 1972, modified)

## CHAPTER 6

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

11-601. Trespassing.

11-602. Malicious mischief.

11-603. Interference with traffic.

**11-601. Trespassing.** (1) On premises open to the public.

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

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

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

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

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

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

**11-602. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (Ord. #66, Jan. 1972)

**11-603. 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. (Ord. #66, Jan. 1972)

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

11-701. Abandoned refrigerators, etc.

11-702. Caves, wells, cisterns, etc.

11-703. Posting notices, etc.

11-704. Smoking.

11-705. Violation and penalty.

**11-701. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (Ord. #66, Jan. 1972)

**11-702. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (Ord. #66, Jan. 1972)

**11-703. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (Ord. #66, Jan. 1972)

**11-704. Smoking.** Smoking or the use of any other tobacco products is prohibited in all city facilities except the city shop. (Ord. #100, Nov. 1988, modified)

**11-705. Violation and penalty.** Any person found guilty of violating any of the provisions of this title shall be guilty of a misdemeanor and fined not less than \$5.00 nor more than \$50.00, and/or not more than thirty (30) days in jail, together with the cost. (Ord. #66, Jan. 1972)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

1. BUILDING PERMIT.
2. GAS CODE.
3. MODEL ENERGY CODE.

#### CHAPTER 1

### BUILDING PERMIT

#### SECTION

- 12-101. Permit required.  
12-102. Compliance required before issuance of permit.  
12-103. Permit fee.  
12-104. Permit issuance.

**12-101. Permit required.** It shall be unlawful for any person within the city limits of Clifton, Tennessee, to build, erect, construct, improve, or add to or modify any building or structure of any nature, either residential, commercial or otherwise, without first obtaining a permit therefor from the city recorder. Such application for said permit shall identify the location of said construction; and, if within the area defined as property having flood hazards, it shall state the mode of construction and sufficient plans to indicate compliance with the construction techniques and principles as provided by the Federal Flood Insurance Administration. (Ord. #68, May 1973, as amended by Ord. dated Dec. 1979)

**12-102. Compliance required before issuance of permit.** The "permit" shall be issued only after thorough examination by the city manager to insure compliance with the Flood Insurance Program. The city manager may request additional plans, specifications and other information as necessary to insure compliance. Failure of the applicant to provide the requested information will result in a denial of the building permit, and the applicant will be restrained from proceeding with construction, pending the issuance of a permit. (Ord. #68, May 1973, as amended by Ord. dated Dec. 1979)

**12-103. Permit fee.** Any person, corporation or agency desiring a permit shall pay a fee of \$1.00 and file an application therefor with the city recorder. (Ord. #68, May 1973, as amended by Ord. dated Dec. 1979, modified)

**12-104. Permit issuance.** Upon compliance with the foregoing, the city recorder, upon recommendation of the city manager, shall issue a building permit to the applicant.

(1) No building permit shall be issued by the city recorder, which in the opinion of the city manager:

(a) The proposed use is prohibited by zoning law of the city.

(b) Is in violation of any city ordinance or state law.

(c) Is so located as to be dangerous to the public welfare or materially detrimental to the property or improvements in the immediate vicinity.

(d) If the construction is to be in the flood hazard area, unless specifically approved by the city manager as being in compliance with all construction regulations of T.V.A. and the Federal Flood Insurance Program.

(2) The Commissioners of the City of Clifton hereby:

(a) Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and

(b) Vests Clifton City Manager with the responsibility, authority, and means to:

(i) Delineate or assist the administration, at his request, in delineating the limits of the areas having special flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of building sites.

(ii) Provide such information as the administrator may request concerning present uses and occupancy of the flood plane (and/or mudslide area).

(iii) Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify flood plane or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plane and/or mudslide areas in order to prevent aggravation of existing hazards.

(iv) Submit on the anniversary date of the community's initial eligibility an annual report to the administrator on the progress made during the past year within the community in the development and implementation of flood plane management measures.

(c) Appoints the Clifton City Manager to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard

areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

(d) Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program. (Ord. #68, May 1973, as amended by Ord. dated Dec. 1979)

## CHAPTER 2

### GAS CODE<sup>1</sup>

#### SECTION

- 12-201. Definitions.
- 12-202. Gas code.
- 12-203. Certification and qualifications of an authorized installing agency.
- 12-204. Permits for installation of gas burning equipment.
- 12-205. Inspection and testing.
- 12-206. Meter location and turning on and off of gas.
- 12-207. Rates and charges.

**12-201. Definitions.** The following words and phrases shall have the meaning set out below, when used in this chapter.

(1) "Authorized installing agency." Shall be any person, firm, corporation, or contractor, who has complied with this chapter and who has been issued a certificate by the city manager serving as gas inspector, as herein provided, to engage in the work of installing and repairing gas piping appliances, fixtures, and equipment in the City of Clifton, or to any person receiving gas service from the natural gas distribution system of the City of Clifton.

(2) "The Board of Commissioners of the City of Clifton." The governing body of the City of Clifton as established by the Uniform City Manager Charter of said City of Clifton.

(3) "City recorder." The person occupying the position and performing the duties of recorder, as provided by city manager commission charter.

(4) "Consumer." Any person, firm, corporation, or association receiving gas service from the natural gas distribution system of the City of Clifton.

(5) "Gas code." The Southern Standard Building Code, Part 2 (Gas) latest edition as published by the Southern Building Code Congress, International, Inc. as amended by this chapter.

(6) "Gas inspector." The City Manager of the City of Clifton or his duly authorized representative or the person designated by the Board of Commissioners of the City of Clifton to make inspection of the consumer gas piping and natural gas pumping facilities.

(7) "Gas system." The natural gas distribution system constructed, owned, and operated by the City of Clifton, Tennessee, including the transmission line from the gate station to the meter facilities at the transmission line of supplier.

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

(8) All definitions contained in the said Standard Building Code, Part 2 (Gas) are hereby adopted by this chapter and when used herein, or in connection with the natural gas distribution system of the City of Clifton, shall apply. (Ord. #129, Feb. 1994)

**12-202. Gas code.** (1) The provisions of the Standard Building Code, Part 2 (Gas) most recent edition, as the same may be hereinafter amended, pertaining to and governing the safe installation of consumer gas piping and gas appliances for fuel gases, such as natural gas, manufactured gas, liquid-petroleum gas, air or mixtures thereof, be, and the same is hereby adopted by reference thereto as the official gas code of the City of Clifton, Tennessee, governing such installations with certain additional provisions as herein set out in this chapter.

(2) One (1) copy of said gas code, as published by the Southern Building Code Congress International, Inc., described in the preceding section, together with any changes or amendments thereto hereafter made, shall be filed and kept in the office of the city recorder, available for public use, inspection and examination, but said three copies shall not be removed from said office except that the gas inspector shall have the right to remove it for temporary use.

(3) Butane or other commercial gas. Any consumer who, at the time of the adoption of this ordinance, is using butane or propane, or other commercial gas, and whose system is piped with 3/4" pipe or smaller shall, upon converting to natural gas, follow the procedure outlined herein.

A pipe shall be installed from the meter or point of delivery to the range or cooking stove, leaving a T below the floor; from the T a pipe shall be installed to the original point of entry of butane, propane, or other commercial gas system, thus forming a circuit with natural gas feeding in both directions and in addition, such other piping as will supply the proper amount of gas at each outlet as provided by the gas code hereinbefore adopted by reference. (Ord. #129, Feb. 1994)

**12-203. Certification/qualifications of an authorized agency.**

(1) In order to determine that the provisions of the gas code hereinbefore adopted are fully complied with and that those persons, firms, or corporations engaged in the business of installing gas appliances, systems, facilities, and equipment, are properly qualified to engage in business, the gas inspector as herein defined, shall examine all applicants desiring to engage in such work, and upon being satisfied of the applicant's fitness for such permit, shall issue certificates as hereinafter provided.

(2) All persons, firms, corporations, contractors, or associations desiring to engage in the work or business of installing gas piping, appliances, fixtures, equipment, or gas systems, including the repair and change over of the

same, in the City of Clifton, Tennessee, or in or upon the property of any person receiving gas service from the gas system of the City of Clifton shall make application to the gas inspector on such form and in such manner as the gas inspector may determine, under his rules and regulations, and said applicants shall personally appear before the gas inspector to be examined as to their qualifications and ability to operate and engage in such business, and no person, firm, association, or corporation shall engage in such business or install or repair any gas appliances, gas systems, or equipment until such persons, firms, or corporations have been approved by the gas inspector and a certificate issued to the applicant authorizing it to engage in such business. Upon the issuance of such permit, such person, firm, corporation, or association shall be a qualified installing agency as defined and provided by this chapter.

(3) The examination herein provided shall be in the form and manner deemed proper by the gas inspector, under such rules and regulations as may be adopted from time to time by the Board of Commissioners of the City of Clifton, and said applicant shall be examined by the gas inspector to determine the qualifications and abilities, and no person, firm, association, or corporation shall engage in such business until it has been approved by the gas inspector and a certificate issued to it, authorizing the engaging in such business.

(4) The applicant shall furnish satisfactory evidence to the gas inspector that qualified and competent laborers and workmen shall be used by the installing agency in the installation, replacement, or repair of consumer gas piping, or the connection, installation, repair, or servicing of gas appliances, and/or gas burning equipment, and such installing agency shall be responsible for seeing that such work is performed in a safe and workmanlike manner, and up to the standard of the art of this kind of work, and that the same is performed in accordance with good engineering practices, as used by those persons, firms, and/or corporations experienced in such work, and familiar with all the precautions required for utmost safety in such field of work, and that such complies with all provisions of the gas code herein adopted.

(5) Any permit to engage in the work or business of a qualified installing agency, hereinbefore defined, may be revoked by the gas inspector for failure to comply with all city ordinances or with the gas code herein adopted or that may be hereafter adopted by the Board of Commissioners of the City of Clifton, and the rules and regulations governing the installation of servicing and repairing of gas systems, gas burning systems, and equipment, or such certificate may be revoked for allowing or permitting said work to be carried on in an unworkmanlike manner by those employed by or under the supervision of an authorized gas installing agency or by allowing and permitting and using unqualified labor in the performance of work or allowing or permitting the same to be done in a hazardous or dangerous manner or for continued inefficient work by said authorized installing agency.

(6) Each applicant for a certificate to qualify as an installing agency shall pay to the City of Clifton at the office of the city recorder, at the time of

making such application, a fee of twenty and no/100 dollars (\$20.00), at the time of renewal of such certificate of an installing agency, there shall be paid to the City of Clifton, a fee of twenty and no/100 dollars (\$20.00). The fee of twenty and no/100 dollars (\$20.00), shall not be refunded in the event the applicant is not granted a certificate as an installing agency but shall be retained by the City of Clifton to defray the cost of investigation and examination herein provided.

The certificate of an installing agency shall expire on December 31, following the date of issuance, but may be renewed by the holder thereof without further examination or application, provided that the holder is not in violation of any of the rules and regulations of the City of Clifton, and/or its gas inspector and if in the opinion of the gas inspector it is unnecessary to have an examination of the gas installing agency. The board of city commissioners may, however, upon the expiration of any certificate require a new application and examination of any installing agency.

(7) The owner of the business or the senior member or acting head of a firm or corporation engaged in the business of a gas installing agency, shall be considered as the person responsible for all work done by such installing agency, as herein defined and provided for.

(8) No certificate shall be issued to an installing agency by the gas inspector until evidence has been submitted that such installing agency is properly bonded by a corporate surety bond in the penal sum of not less than ten thousand and no/100 dollars (\$10,000.00), and that said corporate surety company be authorized and qualified to do business in the State of Tennessee; such bond shall be payable to the City of Clifton, for its use and benefit and to any citizen or gas consumer, who may be damaged by the failure of such qualified installing agency, to comply strictly with the gas code herein adopted and the ordinances of the City of Clifton with reference thereto, or who may be damaged by any negligence committed, or imperfect or defective work done by such installing agency, or by any person in the employ or under the supervision of such installing agency while acting in the scope and course of their employment. Said bond shall be so conditioned as to require the installing agency to comply with all of the provisions of the city's gas code as herein defined and adopted or any provisions, revisions, amendments, or supplements which might be made or added thereto, from time to time. In such bond the qualified gas installing agency shall indemnify and save harmless the City of Clifton and all persons therein from loss, costs, or damages caused by negligence or inadequate, imperfect, or defective work done by such installing agency or any of its employees. Said bond shall be filed and remain on file with the City Recorder of the City of Clifton.

(9) The bond hereinbefore provided shall contain a provision that the surety company issuing the same shall not cancel the bond without notifying the Recorder of the City of Clifton and the gas inspector as hereinbefore provided. In the event said bond is not renewed at the end of each year, or that the same is cancelled, then immediately the gas inspector, acting upon notice of the city

recorder, shall revoke the certificate of such installing agency and shall terminate all of its rights and privileges to engage further in the business of installing agency as hereinbefore defined and until said bond is renewed or a new bond obtained and filed as herein provided, no new certificate shall be issued to such installing agency.

(10) Every applicant, for a certificate to serve as an authorized installing agency, shall furnish evidence that it or he has obtained a comprehensive general products liability insurance policy with limits of not less than one hundred thousand and no/100 dollars (\$100,000.00), in the case of each individual, or three hundred thousand and no/100 dollars (\$300,000.00), as to each accident for bodily injury, and fifty thousand and no/100 dollars (\$50,000.00), property damage as to each property owner, or one hundred thousand dollars (\$100,000.00) in the aggregate for all damages to property, and which policy shall provide that in the event the same is terminated or canceled for any reason, notice of such cancellation shall simultaneously be given to the city recorder. Upon the termination or cancellation of said insurance policy, the certificate of an installing agency, which shall have been theretofore issued by the gas inspector, shall be immediately revoked or in the discretion of the gas inspector, suspended.

The insurance policy hereinbefore provided shall be issued by an insurance company authorized to do business in the State of Tennessee, but shall be subject to approval by the gas inspector and/or the board of city commissioners, and said insurance policy shall at all times as hereinbefore provided be kept on file in the office of the city recorder.

(11) No firm, association, person or corporation shall engage in the work of an installing agency, nor shall any person, firm, association or corporation install in any building of any character in the City of Clifton, or in any building to which gas shall be supplied from the gas system of the City of Clifton, any gas pipe, appliances, or equipment using natural gas, manufactured gas, or liquefied petroleum gas or mixture thereof, unless such person, firm, or corporation holds a valid certificate issued by the gas inspector as hereinbefore provided. The gas inspector or any person designated by him or in his employ, shall not connect the gas piping or system in such building to the gas system, unless the same has been installed by a qualified installing agency as defined and provided for in this chapter, provided however a homeowner can install gas appliances, pipe, and equipment in their own residence, but same must be inspected, tested and approved by the gas inspector before service is commenced.

(12) No property owner shall cause or permit any installation, modification, change to, conversion, or repair of any gas house piping or gas appliances, as hereinabove provided, in the City of Clifton, or in its gas service territory or receiving gas from the gas system of the City of Clifton unless such person, firm, or corporation is a duly qualified installing agency as herein provided and defined, and the fact that such work has been done by other than an authorized installing agency, qualified as herein provided, shall be sufficient

to hold and render the property owner responsible for the violation of this chapter and amenable to all provisions of the same.

(13) Penalty. It is hereby declared a misdemeanor and punishable by a fine of not more than five hundred and No/100 dollars (\$500.00) and less than twenty-five and No/100 dollars (\$25.00) and the costs of prosecution, for any person to engage in the business of a gas installing agency, as in this chapter provided, and each day that such agency is engaged in the business of installing and repairing the work contemplated by this chapter shall be deemed a separate offense. Any property owner in violation of the same shall be liable for the same penalties. (Ord. #129, Feb. 1994)

**12-204. Permits for installation of gas burning equipment.** (1) No installation, modification or change of a natural gas system or gas burning equipment shall be made without first obtaining a permit from the City Recorder of the City of Clifton, which permit shall be countersigned by the gas inspector. Application for such permit shall be made on such forms as may be required by the city recorder and/or the gas inspector.

(2) No permit shall be issued to any person, firm, corporation, or association to make such installation, modification, change, or repair, directly or indirectly, unless such person is a duly qualified gas installing agency as herein provided.

The city recorder and the gas inspector shall act upon all applications for permits within a reasonable time and without unreasonable or unnecessary delay and within a maximum of ten (10) days. Any permit issued shall be construed as a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this chapter or the gas code herein before adopted, nor shall such issuance of a permit prevent the gas inspector or his duly authorized representative, from thereafter requiring correction of errors in the permit or plan submitted with it, or in the construction authorized by the permit.

(3) Upon notice from the gas inspector that work on any gas installation is being done contrary to the provisions of the gas code, or this chapter, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be given in writing to the owner of the property, or his agent, or to the persons doing the work, or to any person in possession of the premises and shall state the conditions under which the work may be resumed. Where an emergency exists, oral notice to stop work may be given by the gas inspector or his authorized representative, which shall be sufficient, provided that the same be confirmed in writing within a reasonable time.

The gas inspector, the city recorder, and/or the board of city commissioners, may revoke a permit issued under the provisions of this chapter, in case there has been any false statement or representation as to a material fact in the application for the permit or in the plans submitted therewith. (Ord. #129, Feb. 1994)

**12-205. Inspection and testing.** (1) All installations of gas systems, gas appliances, and all changes or modifications of any existing gas system or additions to any existing gas system or installation of any appliances, shall be inspected by the gas inspector or his designated representative, to insure compliance with the requirements of this chapter, and the gas code hereinbefore adopted by reference and to insure that the installation and construction of the gas system is in accordance with the plans and the permit theretofore issued.

(2) **Notification.** It shall be the duty of the installing agency to give reasonable notice to the gas inspector when the gas installation is ready for test or inspection. It shall be the duty of the installing agency to make sure that the work will stand the test prescribed before giving the above notice and to furnish all necessary test equipment, materials, power and labor needed in making the inspection and testing the safety of such installation in accordance with good engineering practices in such field of work. If the gas inspector or his designated representative finds that the work will not pass the test, the installing agency shall be required to make the necessary corrections and the work will be resubmitted for inspection and test.

(3) The gas inspector or his duly authorized representative, or such person as may be designated by the Board of City Commissioners of the City of Clifton, is designated to make the inspection of the gas system as herein provided and to see that all permits herein provided for are properly executed. The gas inspector and his designated representatives are empowered and directed to inspect the installation, modification, or repair of gas piping, gas appliances, fixtures or apparatus now or hereafter to be placed in or in any manner directly attached to any building or store or in any manner connected with the natural gas distribution system of the city. The gas inspector and his assistants or representatives are hereby vested with full authority to enter any building or premises at reasonable times for the purpose of discharging their official duties as defined in this chapter.

(4) After making the inspection, the gas inspector shall notify, either orally or in writing, the installing agency and the owner, his agent or representative, as to whether or not the inspection has been satisfactory. If defects are found in the system, the same shall be specified in the notice and the gas inspector shall refuse to connect the installation to the gas system or to turn on the gas to the premises until the defects have been remedied and it has been determined that the installation complies with the gas code, this chapter, and the rules and regulations of the gas inspector. (Ord. #129, Feb. 1994)

**12-206. Meter location and turning on and off of gas.** (1) All meters shall be installed on the outside of the building to be served and at such location as may be determined by the gas inspector and shall be such that the meter connections are easily accessible in order that the meter may be read or changed.

No gas meter shall be installed under a step, stairway, window, or near a furnace, boiler, or other appliances.

Under no circumstances shall anyone not employed by the City of Clifton be permitted to open or make connection to the service pipe or service extension, or set or remove the meter or do any work on any part of the natural gas distribution system, including the meter, except that the gas may be turned off at the meter in case a hazardous condition may arise. When the meter has been turned off, the gas inspector shall be immediately notified and after obtaining a permit and the repairs have been made and approved, the meter shall be turned on and service restored, provided, however, that this turning on and off of the gas may be done only by the gas inspector or any designated representative.

Whenever more than one meter is supplied through one service line, a stopcock shall be installed at each meter inlet, in addition to the service line stop.

(2) It shall be unlawful and a misdemeanor for any person to trespass upon, injure, molest, deface, damage, destroy, or carry away any portion of the natural gas distribution system or for any person to tap or interfere with any gas line or gas pipe, constituting a part of the natural gas distribution system; or for any person to turn on the gas to any premises at any time except as directed by the gas inspector or his duly authorized representative.

It shall be unlawful and a misdemeanor for any person, firm, association or corporation to violate any of the foregoing provisions of this chapter and each days violation shall be considered a separate offense. Upon conviction for the violation of the foregoing provisions of this chapter, the offender or offenders shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) and the cost of the prosecution. (Ord. #129, Feb. 1994)

**12-207. Rates and charges.** (1) The rate structure for the Clifton Gas System shall be set by resolution as adopted by the Clifton Board of Commissioners.

(2) All charges for gas service shall be paid by the 5th day of the month following that in which service is billed. If not paid by five p.m. on the 5th day of the month, a penalty of ten per cent (10%) of the bill or charge for such service shall be added for late payment. In the event the charges for service are not paid by the 15th day of the month, then service to such consumer shall be discontinued.

If for this or any other reason, because of default of the consumer, or at the request of the consumer, service is discontinued, the consumer shall be charged the sum of ten dollars (\$10.00) for the reconnection of the service.

(3) The gas service pipe from the gas main to the point of delivery shall be run and installed by the City of Clifton; the point of delivery shall be the initial junction of the service pipe extending from the property line, nearest the gas main, to the consumer's pipe. Each consumer shall provide for and install

his own piping and fixtures from the point of delivery into the premises or building to be served. The City of Clifton shall furnish the meter, meter box, which shall be so placed as directed by the gas inspector and shall be at all times accessible.

The City of Clifton will pay for the gas service pipe from the gas main to the property line. The gas consumer shall pay for all service pipe from the property line to the point of delivery, except as hereinafter stated.

The service pipe, including the regulator and meter, shall be installed by the gas inspector or his representative but the consumer shall pay at such rate as may be fixed by the gas inspector for the service pipe from the property line to the point of delivery; provided, however, that during the time of the initial construction of the gas distribution system, the City of Clifton will pay for the first one hundred (100) feet of service pipe from the property line to the point of delivery but in no event will the City of Clifton pay for or furnish and install more than one hundred (100) feet and in the event the distance from the property line to the nearest corner of the building to be served is less than one hundred (100) feet, then the lesser of the two distances shall determine the city's obligation. The consumer will pay for all service pipe in excess of one hundred (100) feet.

The gas service pipe, the meter, and the meter box shall at all times remain the property of the City of Clifton, and upon the discontinuance of gas service to any premises by reason of the failure to pay the bills by the consumer for gas service, or for any other reason, then the City of Clifton, through the gas inspector or his representative, may remove the meter, regulators, the meter box, and gas service pipe, and the consumer will be charged for the cost of replacing the same in the event service is restored, in accordance with the provisions hereinbefore stated, except that the City of Clifton will furnish the meter without charge.

It is declared unlawful and a misdemeanor for any person to refuse or permit the employees of the City of Clifton to go upon the premises for the purpose of removing the property of the City of Clifton, and upon conviction of this provision, such person shall be fined not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00).

(4) There shall be charged to each consumer a connection or tapping charge as herein provided to cover the costs of tapping the gas main, the installation of the service pipe, meter and meter box.

(5) At the time when gas is turned on and made available to the consumer, there shall be a security deposit paid to the City of Clifton, in the following amount:

Security Deposit for Property Owner	\$ 25.00
Security Deposit for Non-Property Owner	\$ 50.00
Security Deposit for Small Commercial (demand under 200 MCF per month)	\$150.00
Security Deposit for Large Commercial	\$10,000

(demand over 200 MCF per month)	
Security Deposit for Industrial	\$10,000

The board of city commissioners may by appropriate rules, regulations, and ordinances, provide such additional security deposit or increase the security deposit as herein provided so as to protect the City of Clifton and the gas system from loss.

The security deposit herein provided shall be paid, as before stated, at the time when service is established to each consumer, and no service shall be established to a consumer until the security deposit herein provided has been paid. The security deposit shall be retained by the natural gas system as security for the payment of the bills and charges for gas service by said system to the consumer. Upon discontinuance of service to any consumer, said deposit shall be refunded to the consumer, provided all charges for service and gas consumed have been paid and provided further that the consumer is not indebted to the gas system on any account. In the event service is discontinued to any consumer and the charges for such service are not paid, the gas system may collect such bill or bills owing by the consumer from the security deposit, by applying the same to the bills, and the balance will then be refunded to the consumer. In the event there is insufficient amount in said security deposit to pay said bill, then the consumer shall be liable for the difference, and no gas shall be furnished to any person or consumer at that location until and unless the bill is paid in full, except upon order of the board of commissioners.

(6) It is declared unlawful and a misdemeanor for any person to tap, interfere with, or receive gas without the same being metered, and any person, firm, association or corporation tapping any gas main or receiving gas that does not pass through the meter shall, upon conviction, be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00).

It is hereby declared to be unlawful for any person to turn on gas to any premises except the employees of the City of Clifton, the gas inspector, or his duly authorized representative, or any person designated by the Board of City Commissioners; and any person not so authorized operating any valve turning gas on to any premises shall, upon conviction, be fined not less than fifty dollars (\$50.00), and the costs of the proceeding. (Ord. #129, Feb. 1994, as amended by Ord. #175, Nov. 2000)

## CHAPTER 3

### MODEL ENERGY CODE<sup>1</sup>

#### SECTION

- 12-301. Model energy code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violation and penalty.

**12-301. Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code,<sup>2</sup> 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

**12-302. Modifications.** Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Clifton. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the energy code.

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

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<sup>1</sup>State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg Pike, Falls Church, Virginia 22041.

**12-304. Violation and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

CHAPTER

1. OVERGROWN AND DIRTY LOTS.
2. SLUM CLEARANCE.

CHAPTER 1

OVERGROWN AND DIRTY LOTS

SECTION

- 13-101. Nuisance declared.
- 13-102. Designation of public officer.
- 13-103. Notice to property owner.
- 13-104. Failure to comply.
- 13-105. Appeal.
- 13-106. Judicial review.
- 13-107. Supplemental nature of chapter.

13-101. Nuisance declared. It is declared to be a nuisance for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of garbage, trash, litter, or debris, including but not limited to abandoned, wrecked and/or dismantled inoperable vehicles or equipment, or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property as stipulated and in the manner prescribed in this chapter. (Ord. #136, June 1995)

13-102. Designation of public officer. The board of commissioners shall designate the city manager to enforce the provisions of this chapter. The city manager at his/her request shall designate one of the city employees to enforce the provisions of this chapter. (Ord. #136, June 1995)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

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

13-103. Notice to property owner. It shall be the duty of the city manager or his/her appointed representative to enforce this section to serve notice upon the owner of record in violation of subsection one (1) above, a notice in plain language to remedy the condition within ten (10) days, (twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent in a manner which yields delivery confirmation by the United States Mail, and addressed to the last owner of record. The notice shall contain the following information:

- (1) A brief statement that the owner is in violation of title 13, chapter 1 of the City of Clifton Municipal Code, and that the property owner may be issued a citation by the police department if the situation is not rectified;
- (2) A copy of title 13, chapter 1 of the City of Clifton Municipal Code;
- (3) The person, office, address, and telephone number of the department or person giving the notice;
- (4) Notice of a summons to municipal court at a particular date and time in the event that the property owner wishes to appeal the decision of the city manager or his/her designee. (Ord. #136, June 1995, as replaced by Ord. #199, Nov. 2004)

13-104. Failure to comply. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or persons designated by the board of commissioners to enforce the provisions of this chapter shall immediately cause the police department to issue a citation to the property owner who is in violation of this chapter. (Ord. #136, June 1995, as replaced by Ord. #199, Nov. 2004)

13-105. Appeal. The owner of record who has been issued a citation for the office mentioned in this chapter may pay the fine and correct the problem or appear in municipal court to state their case before the municipal judge. If the judge determines the property owner to be in violation of this chapter, he/she may levy a fine of up to \$50.00 per offense. The police department may issue subsequent citations for each day that this condition continues to exist. Each citation constitutes a separate offense. (Ord. #136, June 1995, as replaced by Ord. #199, Nov. 2004)

13-106. Judicial review. Any person aggrieved of the decision levied by the municipal judge may appeal the decision to circuit court by following the guidelines outlined by the Tennessee State Law. (Ord. #136, June 1995, as replaced by Ord. #199, Nov. 2004)

13-107. Supplemental nature of chapter. The provisions of this chapter are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, other municipal ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of garbage, trash, litter, or debris, including but not limited to abandoned, wrecked and/or dismantled inoperable vehicles or equipment, or any combination of the preceding elements. (Ord. #136, June 1995)

## CHAPTER 2

SLUM CLEARANCE

## SECTION

- 13-201. Definitions.
- 13-202. Dwelling unfit for habitation to be repaired, closed or demolished.
- 13-203. Procedures for abating unfit dwellings.
- 13-204. Conditions rendering dwelling unfit for human habitation.
- 13-205. Service of complaints or orders.
- 13-206. Powers of public officer.
- 13-207. Chapter confers supplementary powers and procedures.

13-201. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

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

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

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

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

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

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

13-202. Dwelling unfit for habitation to be repaired, closed or demolished. The City of Clifton, Tennessee hereby finds that there exists in this

municipality, dwellings which are unfit for human habitation and hereby ordains that such dwellings shall be repaired, closed or demolished in the manner herein provided. (Ord. #101, Jan. 1989)

13-203. Procedures for abating unfit dwellings. (1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the public officer (on his own motion) that any dwelling is unfit, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the planning commission at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the planning commission.

(2) If after such notice and hearing, the planning commission determines that the dwelling under consideration is unfit for human habitation, the public officer 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:

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

(b) If the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (not to exceed fifty percent (50%) of the value of the dwelling), requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(3) If the owner fails to comply with an order to repair, vacate, close, remove or demolish the dwelling, the public officer may cause such dwelling to be dealt with as required by the order served on said owner, and that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building is prohibited and unlawful."

(4) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the public officer, he shall

sell the materials of such dwelling and shall credit the proceeds of such sales against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, and 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 to decree of such court, provided, however that nothing in this section shall limit in any way the power of the municipality to define and declare nuisance and to cause their removal or abatement by appropriate proceedings. (Ord. #101, Jan. 1989)

13-204. Conditions rendering dwelling unfit for human habitation. The public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighbor dwellings or other residents of the municipality; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. (Ord. #101, Jan. 1989)

13-205. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to the effort, 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 municipality, or in the absence of such newspaper, in one printed and published in Wayne County and circulating in the municipality. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of the county, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. #101, Jan. 1989, modified)

13-206. Powers of public officer. The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the proposes and provisions of this chapter, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;

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

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

(5) To delegate any of his functions and power under this chapter to such officers and agents as he may designate. (Ord. #101, Jan. 1989)

13-207. Chapter confers supplementary powers and procedures. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the municipality to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (Ord. #101, Jan. 1989)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. FLOOD DAMAGE PREVENTION ORDINANCE.
3. HISTORIC ZONING REGULATIONS.
4. SIGN REGULATIONS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION<sup>1</sup>

SECTION

- 14-101. Membership.
- 14-102. Organization, rules, staff and finances.
- 14-103. Powers and duties.

14-101. Membership. The municipal planning commission shall consist of five (5) members. One of the members shall be the Mayor of Clifton or his designee. One shall be a member of the board of commissioners selected by the board, and the three (3) remaining members shall be citizens appointed by the mayor. The terms of the appointive members shall be for three (3) years, excepting that, in the appointment of the first municipal planning commission under the terms of this ordinance, the terms of the three (3) appointive members shall be for one (1), two (2), and three (3) years, respectively, so that the terms of one member shall expire each year. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. The terms of the mayor and the member selected from the board of commissioners shall run concurrently with their terms of office. All members of the commission shall serve without compensation. (Ord. #131, Aug. 1994, modified)

14-102. Organization, rules, staff and finances. The municipal planning commission shall elect its chairman from among its appointive members. The term of the chairman shall be for one year with eligibility for reelection. The commission shall adopt rules for its transactions, findings and determinations, which record shall be a public record. The commission may appoint such

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<sup>1</sup>Ord. #196, May 2004, § 1 provides:

"That pursuant to Section 13-4-101 Tennessee Code Annotated, the City of Clifton opts out of any and all annual training for its Planning Commission members."

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. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the board of commissioners. (Ord. #74, Aug. 1975)

14-103. Powers and duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, then said commission shall have all the powers, duties and responsibilities as set forth in Tennessee Code Annotated, title 13. (Ord. #74, Aug. 1975)

## CHAPTER 2

FLOOD DAMAGE PREVENTION ORDINANCE

## SECTION

14-201. Flood damage control to be governed by flood damage prevention ordinance.

14-201. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the City of Clifton shall be governed by Ordinance #137, titled "Flood Damage Prevention Ordinance" and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #137, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## CHAPTER 3

HISTORIC ZONING REGULATIONS<sup>1</sup>

## SECTION

- 14-301. General description.
- 14-302. Administration.
- 14-303. Application procedures.
- 14-304. Maintenance and repair of improvements.
- 14-305. Injunctive powers and penalties.
- 14-306. Current historical district.

14-301. General description. Intent: It is the intent of this district to preserve the historic sites and structures of the City of Clifton. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the city's attractions to tourists and visitors; strengthen the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the H-1 District(s) as shown on the Official Corporate Limits Map of The City of Clifton, Tennessee, the following regulations shall apply:

The H-1 District classification may be created where the following criteria shall be determined to exist by the historic district zoning commission. The quality of significance in American history, architecture, archaeology, and culture is present in district(s), sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (1) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (2) That are associated with the lives of persons significant in or past; or
- (3) That embody the distinctive characteristics of late 19th-early 20th century period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4) That have yielded, or may be likely to yield archaeological information; or

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<sup>1</sup>Municipal code reference

Historic district zoning commission: Title 2.

Sign regulations: Title 14.

(5) That is listed in the National Register of Historic Places. (Ord. #143, \_\_\_\_\_, as amended by Ord. #154, May 1998)

14-302. Administration. (1) No construction, major alteration or rehabilitation, moving, or demolition is to be carried on within the H-1 District until it is submitted to and receives approval in writing by the historic district zoning commission.

(2) Administration shall be by the chairman of the historic district zoning commission and all items regulated within the H-1 District shall be submitted to the historic district zoning commission for its review. (Ord. #143, \_\_\_\_\_, as amended by Ord. #154, May 1998)

14-303. Application procedures. Upon receiving an application the historic district zoning commission shall, within thirty (30) days following the availability of sufficient data, issue to the applicant a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing. This shall be carried out by the issuance of a certificate of appropriateness signed by the secretary of the historic district zoning commission. All applications and certificates of appropriateness shall be numbered and filed in the city files at city hall. (Ord. #143, \_\_\_\_\_, as amended by Ord. #154, May 1998)

14-304. Maintenance and repair of improvements. Every person in charge of an improvement in a historic district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvements to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair. (Ord. #143, \_\_\_\_\_)

14-305. Injunctive powers and penalties. Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of this chapter, the City Attorney for the City of Clifton shall, when directed by the mayor and the city commissioners, forthwith apply to an appropriate court for an injunction against such violation of this chapter. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the city attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law. Any person violating any provisions of this chapter shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (Ord. #143, \_\_\_\_\_, as amended by Ord. #154, May 1998)

14-306. Current historical district. The official boundary of the H-1 overlay district is amended to include only the Main Street district following parcel lines on both sides of the street. See official map as amended. Other

districts, such as the Water Street district, the Pillow Street district and other residential districts will be included in the future. The Main Street Historical District (H-1) and all future historical districts will have official design guidelines developed for administrative review. Each applicant shall be served with a copy of the appropriate guidelines upon request.

All citizens requesting property to be included in the H-1 overlay district must submit a map and written request to the historic district zoning commission for recommendation. Said recommendation will be further reviewed by the city commission with two readings and one public hearing. Said property shall be added to the H-1 district following such official adoption by the city commission. (Ord. #154, May 1998)

CHAPTER 4

SIGN REGULATIONS

SECTION

- 4-401. Purpose and intent.
- 4-402. General requirements.
- 4-403. Definitions.
- 4-404. Computations.
- 4-405. Exempt signs.
- 4-406. Nonconforming signs.
- 4-407. Prohibited signs.
- 4-408. Illumination.
- 4-409. Inspection and safety.
- 4-410. Administration.
- 4-411. Severable nature of chapter.
- 4-412. Protection of first amendment rights.
- 4-413. Special provisions for service stations.
- 4-414. Historic district commission.

14-401. Purpose and intent. Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property. These provisions are intended for the following purposes. (1) To establish reasonable and impartial regulations for all signs for the City of Clifton, Tennessee.

(2) To protect the general public health, safety, convenience, and welfare.

(3) To reduce traffic hazards caused by unregulated signs that may distract, confuse and impair the visibility of motorists and pedestrians.

(4) To ensure the effectiveness of public traffic signs and signals.

(5) To protect the public investment in streets, highways and other public properties.

(6) To facilitate the creation of an attractive and harmonious community.

(7) To protect property values. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-402. General requirements. The regulations in this chapter specify the number, type, sizes, heights, and locations of signs that are permitted within the City of Clifton. Any sign regulation incorporated into a separate development plan approved by the city commission may supercede all or part of this chapter. (1) No permanent sign affixed to the ground shall be erected within fifty (50) feet of another like sign.

(2) All existing permanent signs may remain provided they are maintained and in good repair. (See § 14-406 for additional regulations regarding nonconforming signs.)

(3) No sign shall be permitted where in the opinion of the administrator a traffic hazard would be created.

(4) All new signs within the historic zoning overlay district must comply with design guidelines or seek further approval through the certificate of appropriateness, from the historic zoning commission.

(5) Where a commercial use abuts a residential use, no sign shall be within fifteen (15) feet of the side lot line. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-403. Definitions. The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this sign ordinance except where definitions are specifically included in various articles and sections. Where words have not been defined, the standard dictionary definition shall prevail or such as the context may imply. In any case, the city manager, or his designee, shall have the right to interpret the definition of any word.

(1) "A-frame sign." A temporary signboard consisting of two hinged boards attached at the top and that rests on the ground, but is not permanently affixed to the ground.

(2) "Abandoned sign." A sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available in the city or on the premises where such sign is displayed.

(3) "Administrator." The designated government official whose responsibility it is to administer the provisions of this ordinance. This shall be the City Manager for the City of Clifton or his designee.

(4) "Building frontage." The length of the single face of a building or that portion of a building occupied by a single office, business or enterprise, commonly referred to as "store-front," which is abutting a street, parking area, or other means of customer access such as an arcade, a mall or a walkway.

(5) "Changeable copy sign." A sign on which copy is changed in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

(6) "Civic sign." A sign that identifies a nonprofit institution or organization on whose premises it is located, and that contains

(a) The name of the institution or organization;

(b) The name or names of the persons connected with the institution or organization; and

(c) Greetings, announcements of events or activities occurring at the institution or similar messages.

(7) "Copy." The characters, letters, or illustrations displayed on a sign face.

(8) "Directional sign." A sign that provides on-site directional assistance for the convenience of the public such as locations of exits, entrances and parking lots.

(9) "Election sign." A temporary yard sign not exceeding six (6) square feet erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

(10) "Illegal sign." A sign that was erected in violation of regulations that existed at the time it was constructed. An illegal sign is not the same as a nonconforming sign.

(11) "Nonconforming sign." A sign that met all legal requirements when constructed but that is not in compliance with this chapter. An illegal sign is not a nonconforming sign.

(12) "Off-premise/off-site sign." Any sign that is not located on the premises that it identifies or advertises.

(13) "Product advertisement." Any sign that references an item, product, or line of products sold by a business.

(14) "Portable sign." A sign that is designed to be moved easily and not permanently affixed to the ground or to a structure or building.

(15) "Roof sign." Any sign erected and constructed wholly on or over the roof of a building, and that is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building. (A roof sign is an illegal sign)

(16) "Roofline." On a sloping roof, the roofline is the lower edge or eave of the roof. On a flat roof, the roofline is the lowest continuous line of a roof or parapet, whichever is lower, on the side of the building upon which the sign is to be located.

(17) "Show window sign." Any temporary sign advertising sales or specials attached to the inside or outside of the glass surface of any window (glazing).

(18) "Sign." Any identification, description, illustration or device, that is attached to the inside or outside of a building face, door, or window; and that directs attention to a product, service, place, activity, person, institution, business or solicitation, except the following:

(a) Merchandise temporarily displayed in show windows that is available for sale on the premises;

(b) National, state or city flags not exceeding thirty-two (32) square feet; and

(c) Decorative devices or emblems as may be displayed on a mailbox.

(19) "Sign structure" Any structure that supports, has supported or is capable of supporting a sign, including decorative cover.

(20) "Temporary sign." A sign that is not permanent and is allowed for a specific time period.

(21) "Traffic directional sign." Any sign that aids the flow of traffic.

(22) "Waterside identification sign." A sign identifying retail, commercial or recreational property, and that can be viewed only from the waters of the Tennessee River. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-404. Computations. The following principles shall control the computation of sign area. (1) Computation of area of individual signs. The area of a sign shall be computed by means of the smallest box that will encompass the limits of the sign, but not including any supporting framework or bracing. Only one (1) side shall be used to compute the size of a two sided sign. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-405. Exempt signs. The following types of signs are exempted from all the provisions of this chapter.

(1) Public signs: Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the board of zoning appeals or under the direction of the board.

(2) Historical markers: Historical markers as recognized by local, state or federal authorities.

(3) Signs indicating address and/or name of residential occupants of the premises. Not more than one (1) such sign shall be allowed for each street frontage of each principal use on a lot.

(4) Civic signs: One (1) civic sign of not more than sixteen (16) square feet is allowed.

(5) Construction sign: One temporary sign not to exceed thirty-two (32) square feet in area indicating the name of the contractors, engineers, and/or architects of a project during a construction period.

(6) Handicapped parking space sign: Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.

(7) Home-occupation signs: On-premise identification signs for home-occupations shall not exceed one sign per street frontage not to exceed a total of sixteen (16) square feet in area and shall contain only the name of the business and/or business owner.

(8) Memorial signs: Plaques, cornerstones, and the like.

(9) Security and warning signs: On-premise signs regulating the use of the premises such as "no trespassing," "no hunting," and "no soliciting" or signs indicating security systems used on premises that do not exceed two (2) square feet in area on residential lots and five (5) square feet in area on commercial and industrial lots.

(10) Temporary real estate or auction signs: Temporary signs indicating the availability of real property for sale or lease, located on the premises being sold or leased. Display of such sign shall be limited to one (1) per

property street frontage not exceeding a total of sixteen (16) square feet in area. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

(11) Special event signs: Signs announcing special events to be used on a temporary basis. Any business, individual, or organization may display one sign per street frontage not to exceed a total of sixteen (16) square feet of area for up to fourteen (14) days prior to a special event. Such signs shall be attached to buildings, or existing private sign structures, or sign poles with the permission of the owner.

(12) Farm product signs: Temporary on-premise signs announcing the availability of seasonal farm produce or nursery products. The number of signs shall not exceed one per street frontage and total area of all such signs shall not exceed sixteen (16) square feet.

(13) Any signage required by federal law pertaining to wireless transmission facilities.

(14) Any signage required by the Federal Aviation Administration.

(15) A changeable copy sign not exceeding thirty-two (32) square feet will be allowed when included as part of another authorized sign.

(16) Subdivision entrance signs for a duly recorded subdivision plat located at the entrance to subdivisions, but not including driveway entrances, that includes information about the subdivision and do not exceed thirty-two (32) square feet of sign face area per sign.

(17) One waterside sign per development along the Tennessee River provided that the sign is visible only from the Tennessee River and does not exceed one (1) square foot per one (1) foot of river frontage, not to exceed a total of two hundred (200) square feet.

(18) Show window signs announcing special events or products may be displayed up to a total of sixteen (16) square feet of area for up to fourteen days. Such signs must be located on the interior of the building.

(19) Signs totaling one (1) square foot of area for each one (1) square foot of building linear street frontage, not to exceed one hundred (100) square feet.

(20) Seasonal decorations that do not reference a business or product.

(21) Off-premise signs indicating the location or direction to a non-profit organization located within the City of Clifton, which do not exceed six (6) square feet of sign area per sign. Each organization is allowed a maximum of three such signs. These signs may be located within the public rights-of-way if they do not interfere with traffic safety.

(22) Signs erected by the City of Clifton on public rights-of-way that serve as a directory of businesses within the City of Clifton and are uniform in size and design. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

4-406. Nonconforming signs. (1) Any permanent identification sign that lawfully exists at the time of enactment of this chapter shall be allowed to

remain until such time as the sign is substantially altered or changed, or until such time as another sign is proposed in lieu of the existing sign, or until such time as the ownership of the business changes. Such sign shall be in conformance to all other provisions of this chapter.

(2) No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner.

(3) Nonconforming signs shall not be considered the same as an illegal sign: one that is constructed after this chapter was enacted and that does not comply with this chapter. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

4-407. Prohibited signs. The following signs are prohibited under this Chapter. (1) Signs painted on or attached to fence posts, trees, rocks, canopy posts, utility poles, in any river, stream or creek, in the Federal Emergency Management Agency determined floodway area, or any other designated USGS natural water body (blue-line stream). Signs may be located within the 100-year floodway fringe or the 500-year flood limit areas subject to further review.

(2) Any sign that may be confused with or obstruct the view of any authorized traffic sign or signal, or extend into the public right-of-way.

(3) Signs that contain characters, cartoons or statements of an obscene, indecent or immoral character that would offend public morals or decency.

(4) Signs that advertise an activity, business, product or service not conducted on the premises upon which the sign is located.

(5) Signs displayed as, pennants, flags with commercial messages, banners, streamers, propellers, discs, and searchlights that are intended for permanent use.

(6) Signs that include lights that flash, blink, or turn on and off intermittently, not including time and temperature signs that are intended for permanent use.

(7) Glaring signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance.

(8) Inflatable signs and objects including, but not limited to, balloons that are intended for permanent use.

(9) Portable signs that are not permanently affixed to the building, structure, or the ground. This shall not apply to authorized, temporary signs.

(10) Roof signs, i.e., signs that are erected on a roof or that extend in height above the roofline of the building on which the sign is erected.

(11) Signs that extend in height above the roofline of the building on the premises upon which the sign is erected.

(12) Signs attached to, suspended from, or painted on any vehicle that is regularly parked on any street or private property when one of the purposes of so locating such vehicle is to display, demonstrate, and advertise or attract the attention of the public for a duration of more than fourteen (14) days.

(a) It is not a violation of this chapter merely to have a common logo or business sign attached to, suspended from, or painted on a company vehicle regularly engaged in the business of the owner.

(b) When it is determined by appropriate authorities that a vehicle is being regularly parked in a manner that violates this chapter, the city will issue a single notice of warning to the owner of the vehicle, who will be provided an opportunity for an informal hearing by representatives of the city prior to the institution of formal judicial proceedings.

(13) Election signs exceeding one per candidate or issue per property.

(14) Permanent signs exceeding one (1) square foot of sign per one (1) linear foot of building frontage.

(15) Total permanent signs exceeding one hundred (100) square feet of surface area per property.

(16) A single permanent sign exceeding thirty-two (32) square feet of surface area.

(17) Signs located within public rights-of-way.

(18) Signs located over pedestrian areas that do not have a minimum of eight (8) feet of clearance from ground to base.

(19) Signs extending to within eighteen (18) inches of a street curb or parking area.

(20) Product advertisement signs: No product advertisement signs shall be located on the exterior of a building. A product advertisement advertises a particular product or line of products being sold, rather than the business located on the premises.

(21) A-frame signs left on the exterior of the building when business is not open for business. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-408. Illumination. Illuminated signs shall adhere to the following provisions and restrictions. (1) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.

(2) Beacon lights are not permitted unless required by the Federal Aviation Administration.

(3) No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices or emergency vehicle lights.

(4) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-409. Inspection and safety. (1) Inspection. All signs shall be inspected periodically for compliance with this chapter.

(2) Maintenance. All signs and sign components shall be kept in good repair and in safe, neat, clean and attractive condition.

(3) Removal of signs. The city manager shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public or if the sign is located within a public right-of-way or on public property. Any sign removal shall be at the expense of the property owner or lessor.

(4) Abandoned signs. A sign shall be removed by the property owner when the business that it advertises is no longer conducted on the premises. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-410. Administration. (1) Enforcement. The city manager, or his designee, is hereby authorized and directed to enforce all of the provisions of this chapter.

(2) Violations. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. The owner of any sign, building or premises, or part thereof, where anything in violation of this chapter shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

(3) Appeals. Any person which disagrees with the decision of the administrator may appear in municipal court before the judge to state their appeal of the administrator's decision. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-411. Severable nature of chapter. The various sections, subsections, paragraphs and clauses of this chapter are severable and in the event that any section, subsection, paragraph or clause is judged to be invalid, the remainder of the chapter shall remain in full force and effect. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-412. Protection of first amendment rights. Any sign, display, or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful, non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this chapter. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-413. Special provisions for service stations. A service station or convenience store that is engaged in the retail distribution of petroleum and petroleum products shall be further entitled to the following signs.

(1) One non-illuminated permanent price sign is allowed to be located on the pump island. This sign counts toward the total square footage allocated for the property upon which it is displayed.

(2) Signs displaying the federal and state stamps, octane ratings, pump use directions, no smoking signs and other signs as required by federal, state and local authorities, provided that the accumulated total square footage of same shall not exceed two (2) square feet per pump island.

(3) Other signs and stamps required by state and federal law, provided same are of size no greater than the minimum requirements of the law and for design, size and lighting as approved by the city manager. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

14-414. Historic district design guidelines. In addition to the requirements set forth by this sign ordinance, signs to be located within the historic districts must go through the historic district commission's approval process prior to sign erection. In most cases, attending a meeting of the historic district commission will be necessary. The commission has set some general guidelines for signs that are to be located within the historic districts. The historic district commission is granted separate injunctive powers, as authorized by state law, to enforce the guidelines not specifically mentioned within this ordinance. (Ord. #155, May 1998, as replaced by Ord. #204, Sept. 2005)

**TITLE 15**

**MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. SPEED LIMITS.
3. PARKING.
4. ENFORCEMENT.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 15-101. Driving, towing, pulling, endangering others prohibited.  
15-102. Compliance with financial responsibility law required.  
15-103. Adoption of state traffic statutes and regulations.

**15-101. Driving, towing, pulling, endangering others prohibited.**

It shall be unlawful to drive, tow, pull, propel, move or cause to be moved an automobile, truck, trailer, wagon, buggy, tractor, or vehicle of whatever kind, that are used for the purpose of riding or hauling people or property in such a manner as to endanger the lives or property of others.

A violation of this section shall be a misdemeanor, except as hereinafter set out, and upon conviction therefor, or anyone found guilty of the violation thereof shall be guilty of a misdemeanor and shall be fined any sum of not less than one dollar (\$1.00) nor more than twenty-five dollars (\$25.00) in the discretion of the recorder, together with the cost. (Ord. #15, June 1947)

**15-102. Compliance with financial responsibility law required.**

(1) Every vehicle operated within the corporate limits of the City of Clifton must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, and insurance binder, or an insurance card from an insurance company authorized to 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 the 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 and no/100 (\$50.00) dollars. The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #181, March 2002)

**15-103. Adoption of state traffic statutes and regulations**. All violations of state regulations for the operation of vehicles committed within the corporate limits of the municipality and which are defined by state law are hereby designated and declared to be offenses against the City of Clifton also. This provision shall not apply to any offenses in which the state courts have exclusive jurisdiction. (as added by Ord. #183, June 2002)

**CHAPTER 2****SPEED LIMITS****SECTION**

15-201. In general.

15-202. On certain streets.

**15-201. In general.** It shall be unlawful for any person to drive an automobile, motor-car, automobile truck, motorcycle or other motor driven vehicles within the corporate limits of the City of Clifton, Tennessee at a rate of speed more than twenty miles per hour unless otherwise posted. (Ord. #15, June 1947, modified)

**15-202. On certain streets.** No person shall drive or operate a motor vehicle on State Highway no. 114 within the corporate limits of the City of Clifton in excess of 30 m.p.h., unless otherwise posted. (Ord. #80, Aug. 1979, modified)

## CHAPTER 3

### PARKING

#### SECTION

- 15-301. Generally.
- 15-302. Angle parking.
- 15-303. Occupancy of more than one space.
- 15-304. Where prohibited.
- 15-305. Loading and unloading zones.
- 15-306. Presumption with respect to illegal parking.

**15-301. 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 seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street.

**15-302. 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.

**15-303. 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.

**15-304. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21.

**15-305. 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.

**15-306. 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.

## CHAPTER 4

### ENFORCEMENT

#### SECTION

- 15-401. Issuance of traffic citations.
- 15-402. Failure to obey citation.
- 15-403. Illegal parking.
- 15-404. Impoundment of vehicles.
- 15-405. Disposal of abandoned motor vehicles.
- 15-406. Violation and penalty.

**15-401. 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 a civil offense for any alleged violator to give false or misleading information as to his name or address.

**15-402. 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.

**15-403. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 1.

State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

**15-404. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been affixed to the vehicle and the vehicle not removed. 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 of impoundment and storage, or until it is otherwise lawfully disposed of.

**15-405. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109.

**15-406. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. For parking violations, excluding handicapped parking violations, the offender may have the charge against him disposed of by paying to the city recorder a fine not to exceed \$25.00 provided he waives his right to a judicial hearing. If the offender wishes to contest the citation in municipal court, he shall be subject to a maximum fine of \$25.00 and all associated court costs and taxes, as allowed by law, if found guilty.

TITLE 16

STREETS AND SIDEWALKS, ETC<sup>1</sup>

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-105. Littering streets, alleys, or sidewalks prohibited.
- 16-106. Obstruction of drainage ditches.
- 16-107. Abutting occupants to keep sidewalks clean, etc.
- 16-108. Parades, etc., regulated.
- 16-109. Operation of trains at crossings regulated.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. Violations and penalty.
- 16-113. Basketball goals alongside or within public right-of-ways.

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.

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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.

16-104. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law.

16-105. 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.

16-106. 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.

16-107. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk.

16-108. 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 city recorder.

16-109. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes.

16-110. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

16-111. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

16-112. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense.

16-113. Basketball goals alongside or within public right-of-ways.

(1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Clifton so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (as added by Ord. #194, April 2004)

## CHAPTER 2

EXCAVATIONS

## SECTION

- 16-201. Street obstructions.
- 16-202. Permit required.
- 16-203. Bond required.
- 16-204. Liability and responsibility for repair.
- 16-205. Protection, guards and warnings.
- 16-206. No dumping.
- 16-207. Removal of obstructions.
- 16-208. Right of appeal.
- 16-209. Penalties.

16-201. Street obstructions. No fence, barricade, temporary driveway or other obstruction may be placed on a street, sidewalk or gutter except as may be permitted by the building code of the City of Clifton and authorized by the city manager or his representative. (Ord. #29, Sept. 1953)

16-202. Permit required. The city manager may issue permits for the temporary obstruction of streets or sidewalks in connection with the construction of buildings or other permanent installations on property adjacent to streets or sidewalks. Such permits shall be in writing and shall state the time and place where such obstructions are to be placed and when they are to be removed. The temporary blocking of sidewalks by the unloading of fuels, building materials, household furnishings, or mercantile supplies shall require no permit provided that they do not constitute an undue hazard to traffic and that they are removed within a reasonable time. (Ord. #29, Sept. 1953)

16-203. Bond required. When permits are requested to disturb, dig up or in any wise obstruct any street or public place in the city, it shall be the duty of the city manager to require from such applicant, before granting a permit, a bond with good end sufficient sureties, conditioned to secure the city against all loss, damage or injury of any kind which may result to the city by reason of such disturbance digging up or obstruction of the street; provided that persons engaged in the business of contracting shall be allowed to give an annual bond instead of a bond for each obstruction such annual bond in every instance, however, to be renewed at least once every twelve months; and it shall be a misdemeanor for any person not having given an annual bond to so disturb the streets without the permission and the bond herein required. (Ord. #29, Sept. 1953)

16-204. Liability and responsibility for repair. Where digging is done in the streets for the purpose of making sewer, gas, water or wire connections, or for any other purpose, at the instance of and for the benefit of the abutting owners said abutting property owner shall be liable and responsible, and the person doing said work shall be liable and responsible for the proper and sufficient repair of said street and the city manager is hereby authorized and required to make such necessary and proper repairs at the cost and expense of the person doing such work, or having such work done or for whose benefit such work is done, or at the cost and expense of each of such persons or all of such persons, jointly and severally.

Where such work is by any person for his own use and benefit, in the execution of his business, said person doing such work shall be liable and responsible for the proper repair of the same and the city manager is hereby authorized and required to make such repairs at the cost and expense of the person doing such work or having such work done. (Ord. #29, Sept. 1953)

16-205. Protection, guards and warnings. It shall be unlawful for any person to take out a pole or put in a pole, or take out or put in a grating or light area in any sidewalk, or take out or remove a tree in any sidewalk within the corporate limits of the city without protecting, guarding or warning the public against any hole in the sidewalk, and after said pole is put in or taken out, or said grating or area cover is put in or taken out, or said tree is put in or taken out, all such excavations or holes shall be guarded with red lights at night, or, if reasonably necessary, with a guard or barrier by day or night to protect the traveling public along said sidewalks from personal injuries.

Any person leaving a hole or excavation in the sidewalk unguarded by barrier, guard or light, or other reasonable protection against the dangers thereof, whether caused by the taking out or putting in of a light area or grating, or from any other cause which leaves the sidewalk in an unsafe condition for travel and dangerous to pedestrians passing to and from thereon, shall be guilty of a misdemeanor. (Ord. #29, Sept. 1953)

16-206. No dumping. It shall be unlawful for any person to accumulate on any street, or sidewalk refuse, trash, or any other materials which may constitute a traffic hazard, a menace to public health or a public nuisance. (Ord. #29, Sept. 1953)

16-207. Removal of obstructions. The city manager may order the removal of any building, fence, barricade or other obstruction which had been placed on the streets, sidewalks or other city property prior to the passage of this ordinance. Such orders shall be in writing and shall allow not less than ten days to correct the offending condition. (Ord. #29, Sept. 1953)

16-208. Right of appeal. Any person receiving an order under § 16-207 shall have the right to appeal his case to the city commission. Such appeal must be made in writing to the mayor within 10 days after the receipt of such order from the city manager. The city commission shall conduct an open hearing on the appeal and a majority vote of the commission shall make final disposition of the case. (Ord. #29, Sept. 1953)

16-209. Penalties. Any person or persons found to be in violation of the foregoing provisions shall be deemed guilty of a misdemeanor and subject to a fine not to exceed the amount of fifty dollars (\$50.00). (Ord. #29, Sept. 1953, modified)

TITLE 17

REFUSE AND TRASH DISPOSAL<sup>1</sup>

CHAPTER

1. GARBAGE AND REFUSE.

CHAPTER 1

GARBAGE AND REFUSE

SECTION

- 17-101. Collection.
- 17-102. Customer classifications.
- 17-103. Monthly rates and collection rates.
- 17-104. Collection service standards.
- 17-105. Removal or collection by unauthorized individuals.
- 17-106. Unauthorized use of bin/container.
- 17-107. Collection of non-resident refuse/garbage.
- 17-108. Movement of refuse from one premises to another.
- 17-109. Establishment of collection routes and days.
- 17-110. Collection during specific holidays.
- 17-111. Hours and days of collection.
- 17-112. Violation and penalty.

17-101. Collection. The City of Clifton, Tennessee, shall hereafter provide to its residents a service of garbage/refuse collection. All individuals, firms, or corporations located within the city limits of Clifton, shall be required to make use of such service. (Ord. #144, Jan. 1996)

17-102. Customer classifications. The following definitions shall apply to the type of service to be provided to the residents of Clifton. Such definitions of customer service shall additionally determine the fee structure applicable to each firm, individual, or corporation. The following definitions are provided:

(1) "Residential unit." A standard detached or attached single family dwelling unit located within the corporate limits of the City of Clifton. Such unit is occupied by a family or group of individuals not to exceed twelve in number. Apartments, mobile homes, or condominiums whether single or multi story construction, consisting of twenty-four or less continuous or separate units shall be considered for billing purposes as single dwelling units and billed

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

accordingly. Residential dwelling units shall be limited to a maximum weekly volume of five (5), thirty (30) gallon bags or equivalent per unit for collection purposes.

(2) "Singular person residential." The same definition of a "residential" dwelling unit defined above except that such unit shall house only one occupant.

Individuals declaring such status shall be required to sign and file necessary documentation for status certification declared necessary by the City of Clifton. Singular person residential dwelling units shall be limited to a maximum weekly volume of two (2), thirty (30) gallon bags or equivalent per unit for collection purposes.

(3) "Small business." Retail, service, professional, industrial and commercial establishments located within the corporate limits of the City of Clifton generating no more than an equivalent of ten (10), thirty (30) gallon bags of garbage/refuse per week. Such customers may elect to have bin/container collection solely at their discretion and cost.

(4) "Bin/container collection." Any retail, service, professional, industrial and commercial establishment located within the corporate limits of the City of Clifton, generating an equivalent of more than ten (10) thirty (30) gallon bags of refuse/garbage per week shall be required to be collected through the use of bins/containers.

Monthly fees for service shall be based upon a standardized rate system that depends upon the weekly volume of refuse collected, the frequency of collection and the number of bins/containers needed to service the customer.

ANY INDUSTRIAL ACCOUNT(S) REQUESTING COMPACTOR CONTAINER(S) SERVICE WILL BE FURNISHED SUCH SERVICE. (Ord. #144, Jan. 1996)

17-103. Monthly rates and collection rates. (1) The following monthly fee structure shall apply to each respective customer classification:

Bin/Container:

- 3 yards x 1 per week--\$42.26
- 3 yards x 2 per week--\$77.77
- 3 yards x 3 per week--\$110.87
  
- 4 yards x 1 per week--\$59.16
- 4 yards x 2 per week--\$114.60
- 4 yards x 3 per week--\$166.44
  
- 6 yards x 1 per week--\$76.07
- 6 yards x 2 per week--\$139.98
- 6 yards x 3 per week--\$199.50

8 yards x 1 per week--\$101.42  
 8 yards x 2 per week--\$186.63  
 8 yards x 3 per week--\$266.09

Residential Collection--\$3.25 per month for once weekly collection.  
 Light Commercial-----\$6.50 per month for once weekly collection.  
 CCA Services-----\$3,459.70 per month. This service includes:

5-8 yards x 3 per week  
 1-31 yards x 2 per week

(2) Method of charging and billing fees. All refuse/garbage collection and disposal charges shall be billed through the city's present water and sewer billing department. The collection shall be due and payable on the same date as the water and/or sewer billings are due. The fees fixed under the terms and provisions of this chapter shall be directed to the property owner, occupant or lessee of the premises. Water service may be discontinued for failure to pay the collection service fee. Any person making application for water service shall be deemed to have applied for refuse/garbage collection service and shall be considered a customer of the refuse/garbage collection service until such times as water service to such individual has been discontinued. (Ord. #144, Jan. 1996, as amended by Ord. #174, Sept 2000, and Ord. #200, Dec. 2004)

17-104. Collection service standards. (1) Residential, singular person residential and small business.

(a) Mandatory bag required. All trash, rubbish, grass, yard clippings, refuse or garbage shall be placed and enclosed in a fastened plastic garbage bag or trash bag as commonly sold in retail stores. All bags shall be of a size of less than thirty (30) gallons or equivalent and so loaded as to prevent the bag from bursting. The contents of all bags shall then be placed into a covered container which would require a person to remove the cover, so as to protect in a manner that will prevent animal intrusion. Violators of this section may be cited in municipal court.

(b) Collection of tree limbs, bulky objects, white goods, etc. Collection of tree trimmings, appliances, furniture objects shall occur during the days established for refuse collection. Tree trimmings, loose materials and other such materials much be bagged, bundled or placed in a disposable container in lots not to exceed thirty (30) pounds in weight and not to exceed four (4) feet in length.

(c) Mandatory curbside collection required. Each receptacle, bag, bundle or object for collection shall be placed at the curbside for collection. Curbside refers to that portion of right of way adjacent to paved or traveled city roadways. Such items shall be placed as close to the roadway as practical without interfering with or endangering the

movement of vehicles or pedestrians. The City of Clifton acting through its official representatives shall make the final determination of the point of collection.

(2) Bin/container collection.

(a) Individual agreement with each customer. The City of Clifton, shall provide a bin/container collection system for non-residential customers generating an equivalent of more than ten (10), thirty (30) gallon bags of refuse per week. The city shall contract with each customer in an attempt to provide adequate services. The city reserves the right to increase the number of containers and/or the frequency of collection for the individual customer in order to protect the health, safety and welfare of the citizens of the community and to bill the customer for such changes in services accordingly.

(b) Waste not contained in dumpster/bin. All refuse/garbage generated by the customer must be contained in the bin/container provided by the city. The City of Clifton shall not assume any responsibility for the collection and disposal of any waste, refuse or garbage not placed in bin/container.

(c) Location of bin/containers. Bins/containers shall be placed so that they are readily accessible in all weather conditions at the outside location, on a hard surface in accordance with the individual customer's agreement. The city may refuse to collect bins/ containers not so placed. The customer shall be responsible for properly maintaining the drive or access way required to access the bin/containers.

(3) Wastes generated by contractor for hire. Waste and refuse generated by contractors for hire, including but not limited to; construction, remodeling, repair, tree trimming, tree removal, debris removal, razing, land clearing, roofing, appliance repair and installation, will not be collected in accordance with the provisions of this chapter. Disposal of wastes/garbage/refuse generated by a contractor for hire will be collected only at a pre-negotiated rate with the city or at the individual responsibility of the contractor. Contractors shall be fully and legally responsible for any refuse, garbage, or waste not collected and disposed of by the City of Clifton.

Bins/containers shall be placed so that they are readily accessible in all weather conditions at the outside location, on a hard surface in accordance with the individual customer's agreement. The city may refuse to collect bins/containers not so placed. The customer shall be responsible for properly maintaining the drive or access way required to access the bin/containers. (Ord. #144, Jan. 1996, as amended by Ord. #171, July 2000)

17-105. Removal or collection by unauthorized individuals. The removal of refuse/garbage by any individual, firm, or corporation, except as specified in § 17-104, other than the City of Clifton or its authorized agents is strictly prohibited. (Ord. #144, Jan. 1996)

17-106. Unauthorized use of bin/container. The placement of refuse/garbage in a collection bin/container without the express permission of the contracted customer is prohibited. (Ord. #144, Jan. 1996)

17-107. Collection of non-resident refuse/garbage. The placement for collection of any non-resident refuse/garbage within the City of Clifton, is prohibited. (Ord. #144, Jan. 1996)

17-108. Movement of refuse from one premises to another. The relocation or movement of refuse from one premises to another premises for collection purposes is prohibited. (Ord. #144, Jan. 1996)

17-109. Establishment of collection routes and days. The city of Clifton shall establish routes and days for collection services. The city shall inform the general public of any changes in collection routes and/or days through a notice published in a newspaper of local circulation. Such notice shall be published a minimum of ten days before the implementation of proposed change. (Ord. #144, Jan. 1996)

17-110. Collection during specific holidays. Refuse/garbage collection will not be performed on the established holidays. Routes not collected on these holidays will be rescheduled for collection either immediately before or after the respective holiday. Customers shall be informed of collection change resulting from the observation of holiday by newspaper notice. (Ord. #144, Jan. 1996)

17-111. Hours and days of collection. Refuse/garbage collection will not commence before the hour of 7:00 A.M. nor continue after 6:00 P.M., Monday through Saturday. (Ord. #144, Jan. 1996)

17-112. Violation and penalty. Any person, firm or corporation failing to meet or violating the provisions of this chapter shall be guilty of a misdemeanor and shall be fined a sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) and each day of violation shall constitute a separate offense. (Ord. #144, Jan. 1996)

## TITLE 18

WATER AND SEWERS<sup>1</sup>

## CHAPTER

1. SEWERS.
2. USER CHARGE SYSTEM.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. WATER.

## CHAPTER 1

SEWERS

## SECTION

- 18-101. Definitions.
- 18-102. Use of public sewers required.
- 18-103. Private sewage disposal.
- 18-104. Building sewers and connections.
- 18-105. Regulations for use of public sewers.
- 18-106. Wastes subject to surcharge.
- 18-107. Protection from damage.
- 18-108. Powers and authority of inspectors.
- 18-109. Enforcement procedures.
- 18-110. Penalty; costs.

18-101. Definitions. Unless the context specifically indicates otherwise, the following terms, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.

(2) "Biochemical oxygen demand (BOD)" Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 °C, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(3) "Building drain" shall mean that part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste and other

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

drainage pipes inside the walls of the buildings and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(4) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(5) "Categorical standards". National categorical pretreatment standards or pretreatment standard.

(6) "City" shall mean the City of Clifton, Tennessee.

(7) "Compatible pollutant" means BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(8) "Cooling water" means the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added to the water is heat.

(9) "Customer" means any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(10) "Domestic wastes" means liquid wastes

(a) From the non-commercial preparation, cooking and handling of food or

(b) Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

(11) "Environmental Protection Agency, or EPA" - means Environmental Protection Agency, or an agency of the United states or where appropriate, the term may be used as a designation for the administrator or other duly authorized official of the said agency.

(12) "Ether soluble material" shall mean the quantity of solids obtained through the use of the ether extraction process as outlined for oils and greases in the latest edition of "Standard Methods for the Examination of Water and Wastewater.

(13) "Garbage" means solid wastes generated from any domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

(14) "Grab sample". A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(15) "Incompatible pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section.

(16) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(17) "Industrial wastewater" means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.

(18) "Interference" means inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the city's NPDES permit.

(19) "Mayor" shall mean the Mayor of the City of Clifton or his authorized deputy, agent or representative.

(20) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(21) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(22) "Normal sewage" shall be regarded as normal for the City of Clifton if analyses show a daily average of not more than 225 milligrams per liter of suspended solids; not more than 200 milligrams per liter of BOD; not more than 20 milligrams per liter of  $\text{NH}_3\text{-N}$ ; and not more than 50 milligrams per liter of ether soluble matter (grease and oil), each.

(23) "NPDES (National Pollution Discharge Elimination System)" means the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Act.

(24) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(25) "pH." The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

(26) "Pretreatment" means application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

(27) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(28) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(29) "Sanitary sewerage" shall mean sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm and surface water.

(30) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(31) "Sewer" shall mean a pipe or conduit for carrying sewage and other waste liquids.

(32) "Shall" is mandatory; "May" is permissive.

(33) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(34) "Storm water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(35) "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(36) "Superintendent" means the superintendent of wastewater system of this city or his duly appointed deputy, agent or representative.

(37) "Toxic pollutants" - Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of 33 U.S.C. 1317.

(38) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several effluent portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(39) "Unpolluted water" is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

(40) "User" means any person who discharges, causes or permits the discharge of wastewater into the city's wastewater treatment system.

(41) "User classification" means a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget, 1972.

(42) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is discharged into or permitted to enter the city's treatment works.

(43) "Wastewater treatment systems (system)" means any devices, facilities, structures, equipment or works owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including

intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. #95, Feb. 1988)

18-102. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Clifton or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Clifton or any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, property or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City of Clifton is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is accessible. (Ord. #95, Feb. 1988)

18-103. Private sewage disposal. (1) Where any residence, office, recreational facility or other establishment used for human occupancy is not accessible to a public sewer as provided in § 18-102, the owner shall provide a private sewage disposal system.

(2) Where the building drain of any residence, office, recreational facility or other establishment used for human occupancy is below the elevation to obtain a 1% grade in the building sewer but is otherwise accessible to a public sewer as provided in § 18-102, the owner shall provide a private sewage

pumping station as provided in § 18-104(8), unless the property is located in an area where the city is providing pumping stations as a part of the system.

(3) A private sewage disposal system may not be constructed within the city limits unless and until a certificate is obtained from the mayor stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than seventy-five hundred (7,500) square feet.

(4) Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee and of the appropriate county health department and of the City of Clifton, Tennessee, and must be inspected and approved by the authorized representative of the appropriate county health department and by the mayor.

(5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(6) When a public sewer becomes available, the building sewer shall be connected to such public sewer with 90 days of date of notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material. (Ord. #95, Feb. 1988)

18-104. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the mayor.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service and

(b) For service to establishments producing industrial wastes.

In either case, the customer or his agent shall make application on a special form furnished by the city.

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the mayor. A permit and inspection fee of fifteen dollars (\$15.00) shall be paid to the city at the time the application is filed. Industrial building sewer permits shall provide a description of the constituents of the waste and shall, if requested by the city, provide a laboratory analysis of the waste if it is in being or of a similar waste if the applicant has another facility in being with a similar waste.

(3) Following completion of construction of the Clifton sewer system, all customers to whom a public sewer is accessible may connect to the sewer system, provided in § 18-102(4), following payment of the permit and inspection fee, and connection fee will be charged only to commercial and industrial customers. Customers failing to connect to the new system under these provisions or those who wish to connect to existing public sewers in the future

will be required to pay a "tap" or connection fee to defray the cost to the City of Clifton of providing for the service connection. The connection fee will be established or calculated as provided in the City's Rate and Fair User Charge Ordinance, Ordinance No. 92.

(4) All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the City of Clifton from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to public sewers shall be made only by a plumber, contractor, or individual duly authorized in writing by the mayor. Such authorization will in no wise waive any requirement of this chapter nor is such approval by the city to be construed as a guarantee of performance for said plumber, contractor or individual.

(5) A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building.

(6) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the mayor, to meet all requirements of this chapter.

(7) Building sewers shall be at least four inches in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. Four-inch building sewers shall be laid on a grade of at least 1.0%. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second. Slope and alignment of all building sewers shall be neat and regular. Pipe materials as specified in subsection 8, below, shall be used. Pipe shall conform to the appropriate ASTM Specification and shall be laid in conformance with the appropriate ASTM Specification or with W.P.C.F. Manual of Practice No. 9.

(8) The pipe for house services may be either:

(a) SDR 33 PVC pipe meeting ASTM Specification D3034 with rubber gasketed push-on type joints, or

(b) Commercial extra heavy grade cast iron soil pipe conforming to Federal Specification WW-P-401-D with bituminous coating.

PVC pipe shall have a minimum wall thickness 0.125 inches for 4-inch pipe and 0.180 inches for 6-inch pipe and shall be installed in accordance with recommended practice for "Underground Installation of Flexible Thermoplastic Sewer Pipe". ASTM Designation D232I.

Cast iron soil pipe shall be installed in compliance with applicable provisions of WPCF Manual of Practice No. 9.

(9) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer at a grade of one (1%) percent or more is possible. In cases where basement or floor

levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions, by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(10) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. The discharge of sanitary waste water into the storm drainage system is prohibited.

(11) The connection of the building sewer into the public sewer shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made water tight. Any deviation from the prescribed procedures and materials must be approved by the mayor before installation.

(12) At or near the point of entry of the building sewer into the building being served, an open vent, vented to atmosphere shall be provided. The vent shall have an inside diameter of at least 3 inches.

(13) The applicant for the building sewer permit shall notify the mayor when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the mayor.

(14) At least one cleanout shall be provided for each building sewer. The cleanout shall be located as near to the building as possible. Additional cleanouts are recommended at any horizontal change in direction in the building sewer requiring a 45° or greater bend. In the case of connections with individual pumps located close to the building, the requirement for a cleanout may be waived by the mayor.

(15) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. #95, Feb. 1988, as amended by Ord. #169, March 2000)

18-105. Regulations for use of public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters in any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the mayor.

(3) No person shall discharge or cause to be discharged any of the following described waters or waste to the sanitary sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, herbicide, pesticide, liquid, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any public hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstructions to flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, tar, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged any of the following described waters or wastes to the sanitary sewers except by special written permit, and then only in strict accordance with the terms of the permit. No permit will be issued if it appears likely in the opinion of the mayor that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, violate the National Pollutant Discharge Elimination System Program or the regulations of the State of Tennessee or the Environmental Protection Agency, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the mayor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150° F.

(b) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of 100 mg/liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F.

(c) Any waters or wastes containing acidic or alkaline solutions, iron pickling wastes, metal plating wastes, or other process wastes, in

sufficient quantities as to be detrimental to the biological treatment process whether by increasing the alkalinity, the acidity, the ionic concentration, or the toxicity. Prospective dischargers with wastes which fall into the classifications of this section shall be responsible for proving their compliance.

(d) Any waters or wastes containing iron, chromium, copper, zinc, cyanide and similarly objectionable metals or toxic substances to such degree that any such material received in the composite sewage at the sewage treatment works would result in concentration in the treatment plant influent exceeding the following:

<u>Parameter</u>	<u>Monthly Average mg/l*</u>	<u>Diley Average mg/l*</u>
Chromium, hexavalent	.001	.070
Chromium, trivalent	N/A	2.2
Nickel	.056	1.1
Cyanide	.0035	.052
Zinc	.047	.180
Cadmium	.000012	.0015
Copper	.020	.030
Iron	1.5	3.0
Antimony	1.6	9.0
Arsenic	.040	.440
Lead	.00075	.074
Mercury	.00002	.0041
Selenium	.035	.260
Silver	.0006	.0012
Phenols	N/A	.300

\*Milligram/Liter

These limits are established to comply with published thresholds or ranges for inhibitory effects on the unit operations of the treatment plant. Limits on the concentrations of other metallic constituents and/or toxic substances which may have a detrimental effect on the sewage treatment works may be established by the mayor and/or the Tennessee Department of Public Health, unless the prospective discharger can prove to the aforementioned parties that such substances are amenable to treatment at the treatment works. The

concentrations listed for the specific pollutants in this paragraph are daily average maximum concentrations in mg/l based on 24 hour flow proportional composite samples. The city shall monitor the treatment plant for each parameter in the above table. In the event that the influent of the wastewater treatment plant: reaches or exceeds the level established by this table, the mayor shall initiate technical studies to determine the cause of the violation and shall recommend to the city the necessary legal measures, including but not limited to, recommending the establishment of new or revised pretreatment levels.

(e) Any waters or wastes exerting an excessive chlorine demand as determined by the mayor.

(f) Any waters or wastes containing producing substances, in such concentration exceeding limits which may be established by the mayor as necessary after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the mayor in compliance with applicable state or federal regulations.

(h) Any waters or wastes containing unusual concentrations of inert dissolved or suspended solids.

(i) Any water or waste so discharged as to cause slugs as defined herein.

(j) Any water or waste containing excessive color which upon passing through the treatment plant, results in concentrations which exceed the discharge limits set forth in the city's NPDES discharge permit.

(k) Any water or waste containing or resulting in noxious or malodorous gases which create public nuisances or prevent entry into the sewer for maintenance or repair.

(l) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Mayor of Clifton.

(m) Any discharges not in compliance with federal pretreatment requirements.

(n) BOD in excess of 300 mg/l; COD in excess of 600 mg/l; suspended solids in excess of 350 mg/l; fecal coliform in excess of 10,000 per 100 ml; NH<sub>3</sub>-N in excess of 40 mg/l.

(o) Discharge of any type by septic tank cleaners, waste disposal contractors or liquid or solid waste handlers of any type.

(5) Special permits may be granted for discharge of wastes as itemized under § 18-105(4) only under the following conditions:

(a) All industrial dischargers in addition to any user discharging any items listed under § 18-105(4) above shall apply for and obtain a discharge permit. The following information shall be furnished with the application:

- (i) Name, address and SIC number of applicant.
- (ii) Volume of wastewater to be discharged.
- (iii) Wastewater constituents and characteristics.
- (iv) Time and duration of discharge.
- (v) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (vi) A description of all toxic materials handled on the premises.
- (vii) Site plans, floor plans, mechanical and plumbing plans showing all sewers and appurtenances by size, location and elevation.
- (viii) Any other information required by the mayor.

The mayor will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the mayor may issue a wastewater discharge permit subject to terms and conditions provided herein.

(b) Submit to the mayor and to the Tennessee Department of Health and Environment an engineering report giving complete details regarding source of waste, maximum and average rate of discharge, strength or concentration of each objectionable item before and after pretreatment, any other pertinent details as appropriate and complete details describing facilities necessary to render these wastes acceptable the city's sewer system.

(c) Submit to the mayor a written application for a permit to discharge into the city sewer system, said application to include a summary of the proposed wastewater characteristics before and after pretreatment and complete details describing the pretreatment facilities that the owner will provide prior to connection to the city sewer system. Such pretreatment shall, as a minimum, comply with the Federal Clean Water Act of 1977 and pretreatment standards in 40 CFR part 402.

(d) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations. Permit conditions will include the following:

- (i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.

(ii) The average and maximum wastewater constituents and characteristics.

(iii) Limits on rate and time of discharge or requirements for flow regulations and equalization.

(iv) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs.

(v) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(vi) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

(vii) Compliance schedules.

(viii) Other conditions to ensure compliance with this chapter.

(e) Duration of permits. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. If the user is not notified by the mayor thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for six months. The terms and conditions of the permit may be subject to modification and change by the mayor during the life of the permit, as limitations or requirements of the state and federal government are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(g) Revocation of permit. Any user who violates the following conditions of his permit or of this chapter, or of applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:

(i) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(ii) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(iii) Failure to report accidental discharges in a timely manner;

(iv) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

(v) Violation of conditions of the permit.

(h) Discharge covered by permit. Special permits shall be good only for the discharge of waters or wastes as described in the application and the applicant must file a supplemental application whenever the quantity, characteristics or method of discharge of the waste is to be appreciably altered.

(6) Grease, oil and sand interceptors shall be provided when, in the opinion of the city they are required for the proper handling of wastes except that such interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located so as to be readily accessible for cleaning and inspection. They shall be maintained by the owner, at his expense, in continuous and effective operation at all times.

(7) Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and they shall be in compliance with any and all federal pretreatment standards that may apply.

(8) Where waters or wastes are otherwise suitable for discharge into the sanitary sewers, but are unusually strong in BOD or solids content as compared to normal domestic sewage, they may be accepted in the sewers but will be subject to a surcharge provided in the City of Clifton Ordinance No. 82-4 which establishes "Rate Schedule and Fair User Charges" and as provided in § 18-106 "Wastes subject to surcharge" of this chapter. Such wastes will not be accepted at all if they would cause the facility to violate the NPDES permit, inhibit or interfere with unit operation.

(9) When required by the city, the owner of any property serviced by a building sewer carrying industrial waste shall, at its own expense, install suitable monitoring facilities including such necessary meters and other appurtenances to facilitate observation, sampling and measurement of the wastes. Such facilities shall be accessible and safely located, and shall be constructed in accordance with plans approved by the mayor. The facilities shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The provision of monitoring facilities shall be mandatory for wastes receiving pretreatment or otherwise altered or regulated before discharge and for wastes which are unusually strong and thereby subject to a surcharge.

(10) All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided,

or upon suitable samples taken at said control manhole. Samplings shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be obtained from 24 hour composites of all outfalls whereas pH's are determined by periodic grab samples.)

(11) The owner of any commercial or industrial property serviced by a building sewer shall make provisions to minimize the possibility of accidental discharges of any wastes itemized under § 18-105(4) reaching the sanitary sewer. Such provisions may include containment dams around areas where chemicals are stored in tanks or drums, separated drain systems, an active spill prevention program for employees, etc. Upon discovery of an accidental discharge, the owner shall notify the city immediately and provide all available information concerning the discharge including a description of the material discharged, an estimate of the strength and quantity, the time of the discharge, and any available information which would help the city minimize the effect of the discharge on the Treatment Plant and sewer system. Failure to report an accidental discharge to the sewer system in a timely manner shall be grounds for revocation of a permit to discharge issued under § 18-105(5) or for other appropriate enforcement procedures as provided in § 18-109.

(12) No statement contained in § 18-105 shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby all industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. The making of such special agreements or arrangements between the city and any industrial concern shall be strictly limited to the capability of the public sewage treatment works to treat such unusual wastes without affecting the operation, maintenance or effluent quality of the facility, and such special agreements or arrangements must be shown by the industry to be the most cost-effective solution to its problem and that such monetary compensation as the city may receive will satisfy the financial demands created in order to treat such wastes from both an operation and maintenance standpoint and a capital investment standpoint. Any such special agreement shall be in compliance with applicable federal pretreatment standards, fair user charge and/or industrial cost recovery provisions and the provisions of § 18-106. Any discharges accepted under provisions of this paragraph shall not interfere with the normal collection and operation of the wastewater system; interfere with the sludge use or handling; inhibit the unit operations at the wastewater plant or pass through the wastewater plant, thus violating the NPDES permit. (Ord. #95, Feb. 1988)

18-106. Wastes subject to surcharge. (1) Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which have a BOD in

excess of 300 parts per million or a suspended solids content in excess of 350 parts per million or  $\text{NH}_3\text{-N}$  content in excess of 40 parts per million, will be subject to a surcharge based on the excess strength as compared to normal sanitary sewage, such surcharge being necessary to compensate the city for the extra cost of treating such wastes.

(2) The surcharge on excess BOD, suspended solids and  $\text{NH}_3\text{-N}$  shall be as determined by rate ordinance(s) adopted by the city.

(3) The surcharges shall be based on the analytical results on not less than three 24-hour composite samples collected at the control manhole at unannounced, but approximately equal intervals during the preceding three (3) months. Samples shall be collected and analyses shall be made by competent operating personnel at the sewage treatment plant or other persons designated by the city in accordance with the latest edition of the "Standard Methods for the Examination of Water and Wastewater".

(4) The surcharges provided for herein and set forth in the city rate ordinance(s) shall be rendered with and shall be in addition to the normal sewer charge. (Ord. #95, Feb. 1988)

18-107. Protection from damage. No authorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be guilty of disorderly conduct. (Ord. #95, Feb. 1988)

18-108. Powers and authority of inspectors. (1) The mayor and other duly authorized employees of the City of Clifton bearing proper credentials and identification shall be permitted to enter all industrial and commercial properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The mayor and his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in § 18-108(1), above, the mayor or duly authorized employees of the City of Clifton, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this chapter.

(3) The mayor and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated permit or easement for the purpose of, but not limited to, inspection, observation measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated or condemned easement pertaining to the private property involved.

(4) The mayor and other duly authorized employees of the city bearing proper credentials and identification shall be permitted free access for the purpose of inspection and monitoring any pretreatment facilities. (Ord. #95, Feb. 1988)

18-109. Enforcement procedures. (1) The City of Clifton pursuant to the procedures in § 18-109, shall have the legal authority to discontinue service to those who habitually or flagrantly violate any portion of this chapter. This authority to discontinue service shall not prohibit the city from taking other appropriate legal action as provided in § 18-109(4).

(2) Notification of violation. Whenever the mayor finds that any person has violated or is violating this chapter, any special permit issued hereunder, or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.

(3) Show cause hearing. (a) If the violation is not corrected by timely compliance, the mayor may order any person who causes or allows an unauthorized discharge to show cause before the city commission why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the city commission regarding the violation, and directing the offending party to show cause why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The city commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the city to:

(i) Issue in the name of the city commission notices of rings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing.

(ii) Take the evidence.

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city commission for action thereon.

(c) At any public hearing, testimony taken before the hearing authority or any person designated by it, must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any part to the hearing upon payment of the usual charges therefor.

(d) After the city commission has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

(4) Legal action. Any discharge in violation of the substantive provisions of this chapter or an order of the city commission shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the city treatment system contrary to the substantive provisions of this chapter or any order of the city commission or the city attorney shall commence an action for appropriate legal and/or equitable relief in the circuit or chancery court, or other court having jurisdiction. (Ord. #95, Feb. 1988)

18-110. Penalty; costs. Any person who is found to have violated or order of the city commission or who willfully or negligently fail to comply with any provision of this chapter, and the orders, rules and regulations issued hereunder, shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules and regulations issued hereunder. The Water & Sewer Department of the City of Clifton shall have the authority to discharge all administrative responsibility in connection with this chapter. (Ord. #95A, Dec. 1993)

## CHAPTER 2

USER CHARGE SYSTEM

## SECTION

- 18-201. Purpose of charges and fees.
- 18-202. Classification of user.
- 18-203. Types of charges and sewer fees.
- 18-204. Basis of determination of charges.
- 18-205. User charges.
- 18-206. Notification.
- 18-207. Biennial review of operation and maintenance charges.

18-201. Purpose of charges and fees. A schedule of charges and fees shall be adopted by the City of Clifton which will enable it to comply with the revenue requirements of Section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining, including replacement, adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by a separate ordinance, this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs, and capital improvements may be assessed by the City of Clifton. These charges and fees shall be recovered through the user classification established below. (Ord. #98, Oct. 1988)

18-202. Classification of user. All users shall be classified by the superintendent either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics. (Ord. #98, Oct. 1988)

18-203. Types of charges and sewer fees. The charges and fees as established in treatment works schedule of charges and fees, may include, but not be limited to:

- (1) User classification charges;
- (2) Fees for monitoring requested by user;
- (3) Fees for permit applications;
- (4) Appeal fees;
- (5) Charges and fees based on wastewater constituents and characteristics;

- (6) Fees for use of garbage grinders;
- (7) Fees for holding tank wastes. (Ord. #98, Oct. 1988)

18-204. Basis of determination of charges. Charges and fees may be based upon a minimum basic charge for each premise, computed on the basis of "normal wastewater" from a domestic premise with the following characteristics:

BOD <sub>5</sub>	300 milligrams per liter
COD	600 milligrams per liter
TKN	60 milligrams per liter
NH <sub>3</sub> -N	30 milligrams per liter
Suspended Solids	300 milligrams per liter
Fats, Oil, and Grease	100 milligrams per liter

The charges and fees for all classifications of users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, SS, NH<sub>3</sub> as N, chlorine demand, and volume. (Ord. #98, Oct. 1988)

18-205. User charges. Each user shall be levied a charge for payment of bonded indebtedness of the treatment system and for that user's proportionate share of the operations and maintenance costs of the system. A surcharge will be levied against those users with wastewater that exceeds the strength of "Normal Wastewater".

The user charge will be computed from a base charge plus a surcharge. The base charge will be the user's proportionate share of the costs of operation and maintenance (O&M) including replacement for handling its periodic volume of "Normal Wastewater".

(1) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$C_u = \frac{C_t \times (V_u)}{V_t}$$

Where:	C <sub>u</sub>	=	User's charge for O & M per unit of time.
	C <sub>t</sub>	=	Total O & M cost per unit of time.
	V <sub>t</sub>	=	Total volume contribution from all users per unit of time.
	V <sub>u</sub>	=	Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(2) Surcharges. The surcharge will be the user's proportionate share of the O & M costs for handling its periodic volume of wastewater which exceeds the strength of BOD<sub>5</sub>, suspended solids, and/or other elements in "normal wastewater" including "toxic wastes". The amount of the surcharge shall be determined by the following formula:

$$C_s = [(B_c \times B) + (S_c \times S) + (P_c \times P)]V_u$$

Where:

$C_s$	=	Surcharge for wastewaters exceeding the strength or "normal wastewater" expressed in dollars per billing period.
$B_c$	=	O & M cost for treatment of a unit of BOD <sub>5</sub> , expressed in dollars per pound.
$B$	=	Concentration of BOD <sub>5</sub> from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
$S_c$	=	O & M costs for treatment of a unit of suspended solids expressed in dollars per pound.
$S$	=	Concentration of suspended solids from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
$P_c$	=	O & M cost for treatment of a unit of any pollutant which the publicly-owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.
$P$	=	Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the superintendent.
$V_u$	=	Volume contribution of a user per billing period. (Expressed in thousands of gallons).

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary; but in no case less frequently than annually. (Ord. #98, Oct. 1988)

18-206. Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. #98, Oct. 1988)

18-207. Biennial review of operation and maintenance charges. The City of Clifton shall review not less often than every two (2) years the waste water contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approval user charge system. The town shall revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (Ord. #98, Oct. 1988)

## CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

## SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water system." The waterworks system furnishing water to the City of Clifton for general use and which is recognized as the public water system by the Tennessee Department of Health.

(2) "Cross connection." Any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency. (Ord. #87, May 1986)

18-302. Standards. The City of Clifton Public Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #87, May 1986)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Water Superintendent of the City of Clifton Public Water System. (Ord. #87, May 1986)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the water superintendent a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #87, May 1986)

18-305. Inspections required. It shall be the duty of the Water Superintendent of the City of Clifton Public Water System to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be established by the Water Superintendent of the City of Clifton Public Water System and as approved by the Tennessee Department of Health. (Ord. #87, May 1986)

18-306. Right of entry for inspections. The water superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Clifton Public Water System for the purpose of inspecting the piping system or systems therein for cross

connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #87, May 1986)

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Water Superintendent of the City of Clifton Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the City of Clifton Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility give the customer legal notification that water service is to be discontinued and physically separate the water system from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #87, May 1986)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Water Superintendent of the City of Clifton Public Water System, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the water superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the City of Clifton Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the water superintendent, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the water superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Water Superintendent of the City of Clifton Public Water System.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the City of Clifton Public Water System. (Ord. #87, May 1986)

18-309. Unpotable water to be labeled. The potable water supply made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #87, May 1986)

18-310. Violations. The requirements contained herein shall apply to all premises served by the City of Clifton Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the City of Clifton corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #87, May 1986)

## CHAPTER 4

WATER

## SECTION

- 18-401. Schedule of rates.  
 18-402. Tampering with water meter unlawful.  
 18-403. Use of public water supply required.  
 18-404. City may refuse service.

18-401. Schedule of rates. A minimum bill of 2,000 gallons will be charged to all accounts at the following rates, unless agreed upon by a separate contract voted upon by the board of commissioners:

Water inside City	\$3.42 per thousand gallons
Sewer inside City	\$3.42 per thousand gallons
Water outside City	\$6.84 per thousand gallons
Sewer outside City	\$6.84 per thousand gallons
CCA water	\$2.73 per thousand gallons
CCA sewer	\$4.10 per thousand gallons

The following shall be a list of tap charges for the City of Clifton utilities with other classifications than those noted being addressed on a case by case basis:

Basic water tap inside city	\$ 575.00
Basic water tap outside city	\$ 775.00
Basic residential sewer tap	\$2,500.00
Ross Creek water line extension	\$1,775.00

Larger taps based upon the most current utility policies adopted by the board of commissioners.

The following shall be a list of utility service fees for the City of Clifton utilities:

After hour service fee	\$ 25.00
Reconnect fee for non-payment	\$ 25.00
Returned check fee	\$ 25.00
Water turn off fee	\$ 2.00
Meter activation fee	\$ 25.00
Sewer inspection fee	\$ 15.00
Utility bill administration fee	\$ 2.00

(as replaced by Ord. #169, March 2000; and amended by Ord. #190, May 2003, and Ord. #201, May 2005)

18-402. Tampering with water meter unlawful. It is hereby declared to be a misdemeanor, for any person to tamper with any water meter in the City of Clifton without the permission of the city manager, and it is further declared to be a misdemeanor for any person to connect or disconnect water service to any house, be the same his own or that of another, or for any person to make any connection with the city water system whereby service becomes available to a particular house or building without the expressed consent of the city manager.

Any person found guilty of violating the terms of this ordinance by the city recorder shall be fined not less than two and 50/100 dollars (\$2.50) nor more than fifty dollars (\$50.00) and shall be taxed with the cost incident to the proceedings for the violation hereof. (Ord. #30, March 1954)

18-403. Use of public water supply required. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley, property or right-of-way in which there is now located or may in the future be located a public water supply of the City of Clifton is hereby required at his expense to install suitable plumbing facilities therein, and to connect such facilities directly with public water supply in accordance with the provisions of the City of Clifton, within ninety (90) days after date of official notice to do so, provided that said public water supply is accessible.

18-404. City may refuse service. The city may refuse to connect water service to any location if it is determined that the plumbing system, including the service line(s) from the meter, is not in proper working order.

**TITLE 19**

**ELECTRICITY AND GAS**

**[RESERVED FOR FUTURE USE]**

## TITLE 20

### MISCELLANEOUS

#### CHAPTER

1. AIRPORT AUTHORITY.
2. CIVIL DEFENSE.

#### CHAPTER 1

### AIRPORT AUTHORITY

#### SECTION

- 20-101. Created and composition.
- 20-102. Appointment of members; terms; vacancies.
- 20-103. Present members.
- 20-104. Oath of office.
- 20-105. Authority.

**20-101. Created and composition.** There is hereby created and established a Municipal Airport Authority for the City of Clifton, Tennessee, consisting of five commissioners of the authority, appointed by the City Legislative Body of Clifton, Tennessee. The members of the Municipal Airport Authority may be members of the City Legislative Body or citizens of the City of Clifton, Tennessee. (Ord. #128, Dec. 1993)

**20-102. Appointment of members; terms; vacancies.** The city legislative body shall appoint and approve the commissioners of the municipal airport authority as provided by Tennessee Code Annotated, § 42-1-103, and otherwise, as provided by the laws of the State of Tennessee. The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, but thereafter, each commissioner shall be appointed for a term of five (5) years, except that vacancies occurring otherwise than by the expiration of terms shall be filled for the unexpired term, in the same manner as the original appointment. (Ord. #128, Dec. 1993)

**20-103. Present members.** The commissioners of the Municipal Airport Authority herein created will be:

	<u>NAME</u>	<u>ADDRESS</u>	<u>TERM</u>
(1)	John Churchwell		5 yrs.
(2)	Tommy Tinnin		4 yrs.

(3)	P.W. Shelton	3 yrs.
(4)	Joe Treece	2 yrs.
(5)	Autry Gobbell	1 yr.
(Ord. #128, Dec. 1993)		

**20-104. Oath of office.** The commissioners of the municipal airport authority shall, as provided by Tennessee Code Annotated, § 42-3-103, present to the secretary of state an application signed, subscribed and sworn to by each of said commissioners before an officer authorized by the laws of the State of Tennessee, to take and certify oaths, who shall certify upon the application that he personally knows the commissioners, and knows them to be the officers as appointed in the application and that each subscribed and swore thereto in the officer's presence, which will set forth (without any detail other than mere recital) the following:

(1) The governing body of the municipality by ordinance or resolution created a municipal airport authority and thereafter appointed them as commissioners;

(2) The name and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office and that they desire the municipal airport authority to become a public body corporate and politic under this chapter;

(3) The term of office of each of the commissioners;

(4) The name which is proposed for the corporation; and

(5) The location of the principal office of the proposed corporation.

(Ord. #128, Dec. 1993)

**20-105. Authority.** The municipal airport authority is hereby vested with all authority to control and regulate any and all operations of the municipal airport located in the corporate jurisdiction of the City of Clifton, Tennessee, as provided by the laws of the State of Tennessee, and in accordance with the rules adopted by the city legislative body and/or duly created and established municipal airport authority. (Ord. #128, Dec. 1993)

## CHAPTER 2

### CIVIL DEFENSE

#### SECTION

20-201. County to be called for special assistance.

**20-201. County to be called for special assistance.** Upon the necessity of additional manpower and equipment, the Wayne County Civil Defense may be called for said special assistance on the following grounds:

(1) The Wayne County Civil Defense will be mobilized, or so much thereof as determined necessary by the Director of the Wayne County Civil Defense, upon authority of the Mayor of Clifton, or upon the request of the Clifton City Manager and Chief of Police. The city manager and chief of police must act jointly to institute the request of need; whereas, the mayor may act upon his authority alone.

(2) During the period of necessity and/or need, the Wayne County Civil Defense will operate under the direction and supervision of the chief of police, or in his absence, the Mayor of Clifton.

(3) It is further understood that the chain of command above related will only apply to situations wherein the Wayne County Civil Defense has not been mobilized by the President of the United States of America, The Governor of the State of Tennessee, or the Wayne County Judge, or the Director of the Wayne County Civil Defense, or his executive officer. (Ord. #79, Feb. 1979)

APPENDIX I

**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND  
HEALTH PROGRAM FOR THE EMPLOYEES OF CITY OF CLIFTON**

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**I. PURPOSE AND COVERAGE**

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Clifton.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Board of Commissioners in electing to establish and maintain an effective occupational safety and health program for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor, his designated representatives, or persons within the Department of Labor to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

## II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- a. "COMMISSIONER OF LABOR" means the chief executive officer of the Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.
- b. "EMPLOYER" means the City of Clifton and includes each administrative department, board, commission, division, or other agency of the City of Clifton.
- c. "DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH" or "DIRECTOR" means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of City of Clifton.
- d. "INSPECTOR(S)" means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. "APPOINTING AUTHORITY" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
- f. "EMPLOYEE" means any person performing services for this employer and listed on the payroll of this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. "PERSON" means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. "STANDARD" means an occupational safety and health standard promulgated by the Commissioner of Labor in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary

or appropriate to provide safe and healthful conditions and places of employment.

- i. "IMMINENT DANGER" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. "ESTABLISHMENT" or "WORKSITE" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. "SERIOUS INJURY" or "HARM" means that type of harm that would cause permanent or prolonged impairment of the body in that:
  - 1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
  - 2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. "ACT" or "TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. "GOVERNING BODY" means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. "CHIEF EXECUTIVE OFFICER" means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

### **III. EMPLOYERS RIGHTS AND DUTIES**

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor to inspect the employer's place(s) of business. Employer shall assist the Commissioner of Labor in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

### **IV. EMPLOYEE'S RIGHTS AND DUTIES**

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety

and Health Act of 1972 which are applicable to his or her own actions and conduct.

- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others or when a medical

examination may be reasonably required for performance of a specific job.

- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

## V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
  - 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, responsibilities under this program.
  - 2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
  - 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
  - 4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
  - 5. The Director shall prepare the report to the Commissioner of Labor required by subsection (g) of Section 1 of this plan.
  - 6. The Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
  - 7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
  - 8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
  - 9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or

more employees, insure that the Commissioner of Labor receives notification of the occurrence within eight (8) hours.

- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
  1. The administration or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.
  2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
  3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
  4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

## **VI. STANDARDS AUTHORIZED**

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

## **VII. VARIANCE PROCEDURE**

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
  1. A specification of the standard or portion thereof from which the variance is sought.
  2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
  3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
  4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
  5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employees notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor by registered or certified mail.
- c. The Commissioner of Labor will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
  1. The employer
    - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

- ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
- iii. Has an effective program for coming into compliance with the standard as quickly as possible.
- 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

## **VIII. RECORDKEEPING AND REPORTING**

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 1978) or as may be prescribed by the Tennessee Department of Labor.
- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.

## **IX. EMPLOYEE COMPLAINT PROCEDURE**

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will

affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).

- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period of correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor. Any complaint filed with the Commissioner of Labor in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor or his designated representative upon request.

## **X. EDUCATION AND TRAINING**

- a. Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
  - i. "Confined or enclosed space" means having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to,

- storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
- ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
  - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

## **XI. GENERAL INSPECTION PROCEDURES**

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
  1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
  2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and

to question privately any supervisor, operator, agent, or employee working therein.

- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of inspections
  - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
  - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
  - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
  - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
- i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description

of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor or his authorized representative.

## **XII. IMMINENT DANGER PROCEDURES**

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
  1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
  2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
  3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
  4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
  5. The imminent danger shall be deemed abated if:
    - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
    - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
  6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement.

This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.

- b. Refusal to Abate.
  - 1. Any refusal to abate an imminent danger situation shall be reported to the Director and Chief Executive Officer immediately.
  - 2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

### **XIII. ABATEMENT ORDERS AND HEARINGS**

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:
  - 1. Issue an abatement order to the head of the worksite.
  - 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
  - 1. The standard, rule, or regulation which was found to violated.
  - 2. A description of the nature and location of the violation.
  - 3. A description of what is required to abate or correct the violation.
  - 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

#### **XIV. PENALTIES**

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
  1. Oral reprimand.
  2. Written reprimand.
  3. Suspension for three (3) or more working days.
  4. Termination of employment.

#### **XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION**

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

#### **XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED.**

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, Ordinance or executive order, as applicable, regulating and promoting safety and health unless such

Change 2, September 2, 2003

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law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

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Director, Occupational Safety and Health

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX I

ORGANIZATIONAL CHART

<b>Department, Agency Office, Board, Etc.</b>	<b>Number of Employees</b>
Police	7.25
Water	4.75
Sewer	3
Street	1.25
Gas	2
Fire	Volunteer (15)
Animal Control	.5
Parks	.5
Administration	1
Sanitation	
<b>TOTAL NO. EMPLOYEES:</b>	<b><u>20.5</u></b>

**OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN**  
**APPENDIX III**

**NOTICE TO ALL EMPLOYEES OF CITY OF CLIFTON**

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that area causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the city manager for assistance in obtaining relief or to file a complaint with the Commissioner of Labor alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the City of Clifton available for inspection by any employee during regular office hours.

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Mayor

**OCCUPATIONAL SAFETY AND HEALTH PLAN**

**APPENDIX IV**

**PROGRAM BUDGET**

1. Prorated portion of wages, salaries, etc. for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the program.
11. Contingencies and miscellaneous,

**TOTAL ESTIMATED PROGRAM FUNDING,**

**ESTIMATE OF TOTAL BUDGET FOR: \$5,000 – \$7,500**

Varies annually as needed. Provides training and safety equipment for employees as recommended by Public Safety Director through monthly inspections.

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
  
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
  
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury,

or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

- (51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers' Compensation Form 6A or OSHA NO. 101 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

**NOTE:** A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under **PROGRAM PLAN** in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This

information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and the relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the **one** procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.