

AGENDA
CITY OF MORRISTOWN, TENNESSEE
CITY COUNCIL MEETING
APRIL 4, 2017 – 5:00 P.M.

1. **CALL TO ORDER**
Mayor Gary Chesney
2. **INVOCATION**
Mike Cutshaw, Chaplain, Morristown Police Department
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **APPROVAL OF MINUTES**
March 21, 2017
6. **PROCLAMATIONS/PRESENTATIONS**
 1. Presentation of check for Project Graduation.
7. **CITIZEN COMMENTS ABOUT AGENDA ITEMS ONLY**
(Other than items scheduled for public hearing.)
8. **OLD BUSINESS**
- 8-a. **Public Hearings & Adoption of Ordinances/Resolutions**
 1. Ordinance No. 3574
Being an Ordinance of the City Council of Morristown, Tennessee,
Amending Title 14, (Zoning and Land Use Control), Chapter 2 (Zoning
Chapter) Section 14-209 (One Principal Building on a Lot).
9. **NEW BUSINESS**
- 9-a. **Resolutions**
- 9-b. **Introduction and First Reading of Ordinances**
 1. Ordinance No. _____
Being an Ordinance of the City Council of Morristown, Tennessee,
Amending Title 15 (Motor Vehicles, Traffic and Parking)
{Public Hearing April 18, 2017}

2. Ordinance No. _____
Being an Ordinance of the City Council of Morristown, Tennessee,
Amending Title 18 (Water and Sewers) Chapter 1 (Sewage and Human
Excreta Disposal).
{Public Hearing May 2, 2017}
3. Ordinance No. _____
Being an Ordinance of the City Council of Morristown, Tennessee,
Amending Title 18 (Water and Sewers) Chapter 3 (Sewer Charges).
{Public Hearing May 2, 2017}
4. Ordinance No. _____
Being an Ordinance of the City Council of Morristown, Tennessee,
Amending Title 18 (Water and Sewers) Chapter 4 (Water Pollution
Control).
{Public Hearing May 2, 2017}

9-c. Awarding of Bids/Contracts

1. Approval of Professional Services Agreement between City of Morristown
and Lose & Associates, (Project No. 17007-1) to develop a preliminary
grading study for Public Works Site in the lump sum fee of \$9,500.
2. Approval of Change Order for Farmers Market Phase II.

9-d. Board/Commission Appointments

9-e. New Issues

1. Approval of sale of property in the East Tennessee Progress Center
consisting of 12.8 acres at the price of \$10,000 per acre, in connection to
Project Ruby.
2. Fire Department promotion {Battalion Chief}.
3. Fire Department promotion {Captain}.
4. Fire Department promotion {Lieutenant}.
5. Fire Department promotion {Engineer/Driver}.
6. Confirmation of Disciplinary Action in Police Department.

7. Confirmation of Disciplinary Action in Police Department.
8. Certificate of Compliance for Bartley Scott Thornton who has made application to the Tennessee Alcoholic Beverage Commission for a retail package store licensure, store located at 2304 Morningside Drive; DBA The Cork and Keg.
10. **CITY ADMINISTRATOR'S REPORT**
11. **COMMUNICATIONS/PETITIONS**
This is the portion of the meeting where members of the audience may speak subject to the guidelines provided.
12. **COMMENTS FROM MAYOR/COUNCILMEMBERS/COMMITTEES**
13. **ADJOURN**

City Council Meeting/Holiday Schedule:
Regular City Council Meeting with Work Session

April 14, 2017	(Friday)	City Employee's Holiday, Good Friday
April 18, 2017	(Tues) 4:00 p.m.	Finance Committee Meeting
April 18, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
May 2, 2017	(Tuesday)	Municipal Election Day
May 2, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
May 8, 2017	(Monday) TBD	Sine Die City Council Meeting
May 11, 2017	(Thurs) 7:00 p.m.	City Council Roundtable, Venture Place, Downtown
May 12, 2017	(Friday) 8:30 a.m.	City Administrator's Budget Presentation to City Council Foundation Room, Walters State Community College
May 16, 2017	(Tues) 4:00 p.m.	Finance Committee Meeting
May 16, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
May 29, 2017	(Monday)	City Employee's Holiday Memorial Day
June 6, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
June 20, 2017	(Tues) 4:00 p.m.	Finance Committee Meeting
June 20, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
July 4, 2017	(Tuesday)	City Employee's Holiday, Independence Day (No City Council Meeting due to Holiday)
July 18, 2017	(Tues) 4:00 p.m.	Finance Committee Meeting
July 18, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session

WORK SESSION AGENDA
April 4, 2017 5:00 p.m.

1. Title 16

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
MARCH 21, 2017**

The City Council for the City of Morristown, Hamblen County, Tennessee, met in regular session at the regular meeting place of the Council in the Morristown City Center at 5:00 p.m., Tuesday, March 21, 2017, with the Honorable Mayor Gary Chesney, presiding and the following Councilmembers present; Bob Garrett, Chris Bivens, Kay Senter, Dennis Alvis, Ken Smith and Tommy Pedigo.

Mark Campbell, Chaplain Unit Squad Leader, Morristown Police Department, led in the invocation and Councilmember Alvis led in the "Pledge of Allegiance".

Councilmember Senter made a motion to approve the March 7, 2017, minutes as circulated. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Mayor Chesney accepted a check from the Rotary Club in the amount of \$14,856 for their donation of the Handicap Swing Set at Fred Miller Park.

A Public Hearing was held pertaining to Ordinance No. 3555.06.

Councilmember Smith made a motion to approve Ordinance No. 3555.06 on second and final reading. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3555.06

To Amend Ordinance Number 3555, the City of Morristown, Tennessee, Annual Budget for the Fiscal Year 2016-2017 and to Appropriate Additional Funds totaling \$300,000 necessary to cover Engineering Costs, Construction Costs (Including Contingency), for the re-roof at Rose Center; and changes made at Farmers Market Phase II.

Councilmember Pedigo made a motion to approve Ordinance No. 3574 on first reading and schedule a public hearing relative to final passage of said ordinance for April 4, 2017. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3574

**Being an Ordinance of the City Council of Morristown, Tennessee,
Amending Title 14, (Zoning and Land Use Control), Chapter 2
(Zoning Chapter) Section 14-209 (One Principal Building on a Lot).**

Councilmember Alvis made a motion to approve the contract in lieu of performance bonds for the Hamblen County-Morristown, TN Landfills, Permit Nos. SNL320000152 Original, SNL320000152 Extension, and SWP320000235 as required by the Regulations of the Division of Solid Waste Management. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Senter made a motion to approve FFY2017-2020 Title VI document for Lakeway Area Metropolitan Transportation Planning Organization (LAMTPO). Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Alvis made a motion to approve the recommendation on Request for Proposal (RFP) to WestRock for Recycling Services, and authorize the City Administrator to negotiate and enter into contract with them. Councilmember Smith seconded the motion and upon roll call; all voted “aye”.

Councilmember Bivens made a motion to approve the Tennessee Department of Transportation Division of Multimodal Transportation Resources Agreement for safety improvements at the Highway-Rail Grade Crossing Improvement Project Contract CRR070199 at S. Liberty Hill Road. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Mayor Chesney adjourned the March 21, 2017, City Council meeting at 5:34 p.m.

MAYOR

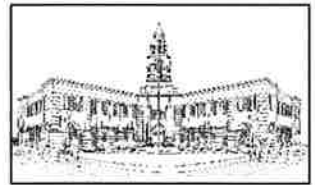
ATTEST:

CITY ADMINISTRATOR

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown City Council
FROM: Steve Neilson, Planning Director
DATE: March 21, 2017
SUBJECT: Text Amendment -14-209. ONE PRINCIPAL BUILDING ON LOT

BACKGROUND:

This is a staff initiated request to amend Chapter 2, General Zoning Provisions to delete Section 14-209. ONE PRINCIPAL BUILDING ON LOT. Section 14-209 states:

Only one principal building and its accessory buildings may be erected hereafter on any lot. In the Residence Districts, any dwelling shall be deemed to be the principal building on the lot on which the same is situated, except rear dwellings as provided in Section 14-214.

This section which prohibits more than one building on a lot is in conflict with Sections 14-222, PLANNED UNIT DEVELOPMENT and 14-223, PLANNED NORESIDENTIAL DEVELOPMENT. These provisions allow two or more principal buildings on a single lot provided the site plan for the development is approved by the Planning Commission.

Under the current provisions, an applicant for a multi-building development would not only be required to have their site plan reviewed and approved by the Planning Commission, but would also be required to receive a variance from the Board of Zoning Appeals. This results in addition fees for the applicant and since the applicant must demonstrate a hardship for a variance, this also leads to the possibility the Planning Commission approves the site plan, but the BZA deny the variance request.

Staff feels that since the Planning Commission already has an opportunity to review multi-building developments, Section 14-209 is not necessary and would recommend this section be deleted.

The Planning Commission at its March 14th meeting voted 8 to 0 to approve the proposed text amendment.

RECOMMENDATION:

Staff recommends approval of the proposed text amendment.

ORDINANCE NO. 3574

BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN, TENNESSEE AMENDING THE MORRISTOWN MUNICIPAL CODE TITLE 14 (ZONING AND LAND USE CONTROL), CHAPTER 2 (GENERAL ZONING PROVISIONS), SECTION 14-209 (ONE PRINCIPAL BUILDING ON A LOT), BY DELETING SECTION 14-209.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 14 (Zoning and Land Use Control), Chapter 2 (General Zoning Provisions), Section 14-209 (One Principal Building on Lot) be amended by deleting Section 14-209 in its entirety.

~~Section 14-209, ONE PRINCIPAL BUILDING ON LOT~~

~~Only one principal building and its accessory buildings may be erected hereafter on any lot. In the Residence Districts, any dwelling shall be deemed to be the principal building on the lot on which the same is situated, except rear dwellings as provided in Section 14-214.~~

BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date of its final passage, the public welfare requiring it.

Passed on first reading this the 21st day of March, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

Passed on second and final reading this the 4th day of April, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

**ORDINANCE NO. _____
BEING AN ORDINANCE OF THE CITY COUNCIL OF
MORRISTOWN, TENNESSEE AMENDING TITLE 15 (MOTOR
VEHICLES, TRAFFIC AND PARKING.**

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 15 (Motor Vehicles, Traffic and Parking) of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

TITLE 15 - MOTOR VEHICLES, TRAFFIC AND PARKING^[1]

Footnotes:

--- (1) ---

Cross reference— Excavations and obstructions in streets, etc., title 16.

CHAPTER 1 – GENERAL REGULATIONS^[2]

Footnotes:

--- (2) ---

State Law reference— Under T.C.A. § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court having state jurisdiction: driving while intoxicated or drugged; failing to stop after a traffic accident; driving while license is suspended or revoked; drag racing; and possession of five or more grams of methamphetamine while operating a motor vehicle.

Sec. 15-101. – Adoption of state traffic statutes.

By the authority granted under Tennessee Code Annotated §16-18-302, the City is authorized to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-references is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00).

Additionally, pursuant to T.C.A. §55-10-307, the City is hereby authorized to adopt, by reference, and does hereby adopt, by reference, the “Rules of the Road,” as codified in T.C.A. §§55-8-101 – 55-8-122; §§55-8-124 - 55-8-131; §§55-8-133 – 55-8-

193; and §55-8-199. The City hereby additionally adopts, by reference, T.C.A. §§55-9-601 – 55-9-606; §§55-10-106 – 55-10-114; §55-12-139; and §55-21-108.

Sec. 15-102. - Records of traffic violations.

The police department shall keep a record of all violations of the traffic laws of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Such record shall accumulate during at least a five-year period, and from that time on the record shall be maintained complete for at least the most recent five-year period.

All forms for records of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms. All such records and reports shall be public records.

(1979 Code, § 9-102)

Sec. 15-103. - Driver's records and annual traffic-safety report.

The police department shall maintain a suitable record of all traffic accidents, arrests, convictions, and complaints reported for each driver.

Additionally, the police department shall annually prepare a traffic report containing the following information:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.

This report shall be furnished to the City traffic team for review.

(1979 Code, § 9-104)

Sec. 15-104. - Emergency and experimental regulations.

- (a) The city administrator, by and with the approval of the city council, is hereby empowered to make regulations necessary to make effective the provisions of the traffic laws of this city and to make and enforce temporary or experimental regulations to cover emergencies. No such temporary or experimental regulations shall remain in effect for more than 90 days.
- (b) The city administrator, or his designee may test traffic-control devices under actual conditions of traffic.

(1979 Code, § 9-106)

Sec. 15-105. - Authority of police and fire department officials.

- (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.
- (b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.
- (c) Officers of the fire department, when at the scene of a fire, may direct, or assist the police in directing, traffic thereat or in the immediate vicinity.

(1979 Code, § 9-107)

Sec. 15-106. - Obedience to traffic regulations.

It shall be unlawful for any person to do any act forbidden or fail to perform any act required in this title.

(1979 Code, § 9-108)

Sec. 15-107. - Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

(1979 Code, § 9-109)

Sec. 15-108. - Persons propelling pushcarts or riding animals to obey traffic regulations.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which, by their very nature, can have no application.

(1979 Code, § 9-110)

Sec. 15-109. - Public employees to obey traffic regulations.

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, any state, or any political

subdivision thereof, and it shall be unlawful for any such driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state statute.

(1979 Code, § 9-111)

Sec. 15-110. - Use of coasters and similar devices restricted.

No person riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway, except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

(1979 Code, § 9-112)

Sec. 15-111. - Authority to designate one-way streets and alleys.

The city administrator, or his designee may designate any street, alley, or separate roadway in the city for one-way traffic. Any such designation by the city administrator shall be approved by resolution of the city council. Upon approval of the city council, the city administrator, or his designee shall erect and maintain signs indicating the direction of travel, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of travel shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(1979 Code, § 9-116)

Sec. 15-112. - Authority to restrict direction of movement on streets during certain periods.

The city administrator, or his designee is hereby authorized to determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The city administrator, or his designee may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers, or other devices so placed in accordance with this section.

(1979 Code, § 9-117)

Sec. 15-113. - Driving on sidewalks.

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

(1979 Code, § 9-125)

Sec. 15-114. - Opening and closing vehicle doors in traffic.

No person shall open the door of a vehicle on the side available to moving traffic unless it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(1979 Code, § 9-127)

Sec. 15-115. - Boarding or alighting from vehicles in motion.

No person shall board or alight from any vehicle while such vehicle is in motion.

(1979 Code, § 9-131)

Sec. 15-116. - Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

(1979 Code, § 9-132)

Sec. 15-117. - Driving through safety zones prohibited.

No vehicle shall at any time be driven through or within a safety zone.

(1979 Code, § 9-133)

Sec. 15-118. - Commercial vehicles prohibited from using certain streets.

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding 35,000 pounds gross weight at any time upon any streets designated by the city administrator, or his designee; provided, that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise, but then only by entering such street at the intersection nearest the destination of the vehicle and proceeding therefrom no farther than the nearest intersection thereafter.

(1979 Code, § 9-138)

Sec. 15-119. - Restrictions upon use of streets by certain vehicles.

The city administrator, or his designee is hereby authorized to determine and designate those heavily-traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse-drawn vehicles, or other non-motorized traffic and shall erect appropriate signs giving notice thereof. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(1979 Code, § 9-139)

Sec. 15-120. - Designation of crosswalks and establishment of safety zones.

The city administrator, or his designee is hereby authorized:

- (1) To designate and maintain crosswalks by appropriate devices, marks, or lines upon the surface of the roadway at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway and at such other places as he may deem necessary.
- (2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(1979 Code, § 9-140)

Sec. 15-121. - Traffic lanes.

The city administrator, or his designee is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(1979 Code, § 9-141)

CHAPTER 2 - EMERGENCY VEHICLES^[3]

Sec. 15-201. - Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into

or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(1979 Code, § 9-120)

Sec. 15-202. - Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department, when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(1979 Code, § 9-121)

CHAPTER 3 - TRAFFIC CONTROL DEVICES^[4]

Footnotes:

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Cross reference— Designation of crosswalks and establishment of safety zones, § 15-120; traffic lanes, § 15-121.

Sec. 15-301. - Authority to install.

The city administrator, or his designee shall place and maintain traffic-control signs, signals, and devices under the traffic laws of this city when they are required to make effective the provisions of such laws, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic laws of this city or under state law or to guide or warn traffic.

(1979 Code, § 9-201)

Sec. 15-302. - Manual and specifications.

All traffic-control signs, signals, and devices shall conform to the Manual on Uniform Traffic-Control Devices for Streets and Highways, latest edition and revisions, published by the U.S. Department of Transportation, Federal Highway Administration and shall, so far as practicable, be uniform as to type and location throughout the city. This section is directory and not mandatory.

(1979 Code, § 9-202)

Sec. 15-303. - Obedience to official traffic-control devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(1979 Code, § 9-203)

Sec. 15-304. - When traffic signs required for enforcement purposes.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(1979 Code, § 9-204)

Sec. 15-305. - Automated enforcement.

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

(1) *Citations and warning notices* shall include:

- a. The name and address of the registered owner of the vehicle;
- b. The registration plate number of the motor vehicle involved in the violation;
- c. The violation charged;
- d. The location of the violation;
- e. The date and time of the violation;
- f. A copy of the recorded image;
- g. The amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- h. A signed statement by a member of the police department that, based on inspection of recorded images, the motor vehicle was being operated in violation of subsection (c) of this section; and
- i. Information advising the person alleged to be liable under this section:

1. Of the manner and time in which liability alleged in the citation occurred and that the citation may be contested in the city court; and
 2. Warning that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- (2) *In operation* means operating in good working condition.
- (3) *Recorded images* means images recorded by a traffic control photographic system:
- a. On:
 1. A photograph;
 2. A microphotograph;
 3. An electronic image;
 4. Videotape; or
 5. Any other medium; and
 - b. At least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.
- (4) *System location* is the approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation.
- (5) *Traffic control photographic system* is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control sign, signal or device, and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control sign, signal or device.
- (6) *Vehicle owner* is the person identified by the state department of safety as the registered owner of a vehicle.
- (b) *General.*
- (1) The city police department or an agent of the department shall administer the traffic control photographic systems and shall maintain a list of system locations where traffic control photographic systems are installed.
 - (2) The city shall adopt procedures for the issuance of citations and warnings under this section. A citation or warning alleging that the violation of subsection (c) of this section occurred, sworn to or affirmed by officials or agents of the city, based on inspection of recorded images produced by a traffic control photographic system, shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section. The citation or warning shall be forwarded by first-class mail to

the owner's address as given on the motor vehicle registration. Personal service of process on the owner shall not be required.

- (3) Signs to indicate the use of traffic control photographic systems shall be clearly posted.

(c) *Offense.*

- (1) It shall be unlawful for a vehicle to cross the stop line at a system location per section 15-303 (obedience to official traffic-control devices) specified in chapter 3, traffic control devices, section 15-303 (obedience to official traffic-control devices.) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter, or for a vehicle to violate any other traffic regulation, to include speeding violations as specified in section 15-401 (maximum speed limit generally) specified in chapter 4, speed restrictions of the Code of Ordinances of the city section 15-401, maximum speed limit generally. It shall be unlawful for any person to operate or drive any vehicle upon any highway or street of this city in excess of 30 miles per hour except on certain special highways, bypasses, or similar roads when a different speed limit is posted. The city administrator or his designee may authorize a greater speed or require a lower speed if appropriate signs are posted. Any such alteration of speed limits by the city administrator shall be approved by resolution of the city council.
- (2) A person who receives a citation under subsection (c) may:
 - a. Pay the civil penalty, in accordance with instructions on the citation, directly to the city court; or
 - b. Elect to contest the citation for the alleged violation.
- (3) The owner of a vehicle shall be responsible for a violation under this section, except when he can provide evidence that the vehicle was in the care, custody, or control of another person at the time of the violation, as described in subsection (c)(4) of this section, in which circumstance the person who had the care, custody, and control of the vehicle at the time of the violation shall be responsible.
- (4) Notwithstanding subsection (c)(4) of this section, the owner of the vehicle shall not be responsible for the violation if, on the designated court date, he furnishes the city court:
 - a. An affidavit by him stating the name and address of the person or entity who leased, rented, or otherwise had the care, custody, and control of the vehicle at the time of the violation; or

- b. An affidavit by him stating that, at the time of the violation, the vehicle involved was stolen or was in the care, custody, or control of some person who did not have his permission to use the vehicle.

(d) *Penalty.*

- (1) Any violation of subsection (c) of this section shall subject the responsible person or entity to a civil penalty of not less than \$50.00, without assessment of court costs or fees. Failure to pay the civil penalty or appear in court to contest the citation on the designated date shall subject the responsible person or entity to assessment of court costs and fees as set forth in this chapter and chapter 1, (city court), section 3-108, (litigation tax and collection of court costs) of the Code of Ordinances section 3-108, litigation tax and collection of court costs.

Except as otherwise specifically provided in this Code or other ordinances of the city, there is hereby levied on all actions arising in city court a local litigation tax, in the maximum amount allowed by state law. The proceeds from the taxes herein levied shall accrue to the general fund of the city. Further, the clerk of the city court shall collect costs of court allowable under the laws of this state in the manner and amount as set forth under the provisions of T.C.A. § 8-21-401 et seq.

The city may establish procedures for the trial of civil violators, and the collection of civil penalties and may enforce the penalties by a civil action in the nature of a debt.

- (2) If the person or entity receiving the summons or citation is in violation of this section solely by virtue of ownership of the vehicle and not as a result of the operation of the vehicle, such violation shall not be considered a violation of a law regulating the operation of vehicles on highways and may not be recorded by the police department or the state department of safety on the driving record of the owner of the vehicle. If the person or entity receiving the summons or citation is found by the court to be the responsible person by virtue of operation of the vehicle, even if such person or entity is also the registered owner of such vehicle, such violation shall be recorded by the police department and reported to the department of safety, unless the responsible person is granted a diversion such as defensive driving school, driver education, or improvement course and successfully completed the same and completes all other requirements as ordered by the court.

(1979 Code, § 9-301; Ord. No. 3001, 7-1999; Ord. No. 3339, 8-2008)

CHAPTER 4 - SPEED RESTRICTIONS

Sec. 15-401. - Maximum speed limit generally.

It shall be unlawful for any person to operate or drive any vehicle upon any highway or street of this city in excess of 30 miles per hour except on certain special highways, bypasses, or similar roads when a different speed limit is posted. The city administrator, or his designee may authorize a greater speed or require a lower speed. Any such alteration of speed limits by the city administrator shall be approved by resolution of the city council and the appropriate signs shall then be posted.

(1979 Code, § 9-301)

Sec. 15-402. - Regulation of speed by traffic signals.

The city administrator, or his designee is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

(1979 Code, § 9-305)

CHAPTER 5 - TURNING MOVEMENTS

Sec. 15-501. - Authority to place and obedience to turning markers.

The city administrator, or his designee is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law, this code, or ordinance of this city.

(1979 Code, § 9-402)

Sec. 15-502. - Authority to place restricted turn signs.

The city administrator, or his designee is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right or left turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

(1979 Code, § 9-403)

Sec. 15-503. - Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right, left, or u-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(1979 Code, § 9-404)

CHAPTER 6 - STOPPING AND YIELDING

Sec. 15-601. - Intersections where stop or yield required.

The city administrator, or his designee is hereby authorized to determine and designate intersections where particular hazards exist and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or, whether vehicles shall yield the right of way to vehicles on a different street at such yield intersection, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

(1979 Code, § 9-501)

Sec. 15-602. - Stop before entering intersection or crosswalk when traffic obstructed.

No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(1979 Code, § 9-118)

CHAPTER 7 – BICYCLISTS' AND PEDESTRIANS' RIGHTS AND DUTIES

Sec. 15-701. – Bicyclists' and pedestrians subject to traffic-control signals and laws.

Bicyclists and pedestrians shall be subject to traffic-control signals at intersections, and at all other places, bicyclists and pedestrians shall be accorded the privileges and shall be subject to the restrictions as stated in the applicable T.C.A. sections and adopted herein.

(1979 Code, § 9-601)

Sec. 15-702. - Prohibited crossings.

- (a) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- (b) No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- (c) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge which such gate or barrier is closed or is being opened or closed.

(1979 Code, § 9-605)

CHAPTER 8 - STOPPING, STANDING, AND PARKING GENERALLY^[5]

Footnotes:

--- (5) ---

Charter reference— Off-street parking, §5(24); parking spaces: § 5(34); emergency vehicle parking spaces: § 5(34).

Sec. 15-801. - Standing or parking close to curb.

On one-way streets where the city administrator, or his designee has placed signs permitting 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 18 inches of the left edge or curb of the street.

(1979 Code, § 9-701)

Sec. 15-802. - Angle parking.

The city administrator, or his designee shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal-aid or state highway within this city unless the state department of highways has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

On those streets which have been signed or marked by the city administrator for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(1979 Code, § 9-702)

Sec. 15-803. - Stopping, standing, or parking prohibited in certain places.

Stopping, standing, or parking prohibited in certain places. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk.
- (2) In designated fire lanes.
- (3) In front of a public or private driveway.
- (4) Within an intersection.
- (5) Within eight feet of a fire hydrant.
- (6) On a crosswalk.
- (7) Within 20 feet of a crosswalk at an intersection.
- (8) Within 30 feet upon the approach of any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
- (9) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the city administrator indicated a different length by signs or markings.
- (10) Within 25 feet of the nearest rail of a railroad crossing.
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (14) At any place where official signs prohibit stopping.

(1979 Code, § 9-705; Ord. No. 3425, 8-2011)

Sec. 15-804. - Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(1979 Code, § 9-707)

Sec. 15-805. - Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(1979 Code, § 9-708)

Sec. 15-806. - Parking for certain purposes prohibited.

No person shall park a vehicle upon a roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing, or repairing such vehicle except for repairs necessitated by an emergency.

(1979 Code, § 9-709)

Sec. 15-807. - Parking adjacent to schools.

The city administrator may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking upon either side of a street adjacent to any school property, as authorized in this section, no person shall park a vehicle in any such designated place.

(1979 Code, § 9-710)

Sec. 15-808. - Parking on narrow, etc., streets.

The city administrator is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon any other street when deemed necessary to expedite the movement of traffic. When official signs prohibiting parking are erected upon streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign.

(1979 Code, § 9-711)

Sec. 15-809. - Standing or parking on one-way roadways.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city administrator is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

(1979 Code, § 9-712)

Sec. 15-810. - Stopping, standing, or parking prohibited near hazardous or congested places.

The city administrator is hereby authorized to determine and designate by proper signs areas in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. When official signs are erected at hazardous or congested places, as authorized in this section, no person shall stop, stand, or park a vehicle in any such designated place.

(1979 Code, § 9-713)

Sec. 15-811. - Designation of curb loading zones.

The city administrator is hereby authorized to determine the location of passengers and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(1979 Code, § 9-714)

Sec. 15-812. - Parking, etc., in passenger curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

(1979 Code, § 9-715)

Sec. 15-813. - Parking, etc., in freight curb loading zone.

- (a) No person shall stop, stand, or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pick-up and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.
- (b) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

(1979 Code, § 9-716)

Sec. 15-814. - Designation of public carrier stops and stands.

The city administrator, or his designee shall establish stops for public carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such stop shall be designated by the city administrator, or his designee and by appropriate signs.

(1979 Code, § 9-717)

Cross reference— Taxicab regulations, title 9, ch. 14.

Sec. 15-815. - Parking of wide trucks, etc., on streets prohibited.

No person shall park any vehicle, wide truck, and/or utility trailer on any street in a manner that creates a safety hazard. In the event that said large vehicle is parked upon the streets, i.e. for the purpose of loading and unloading mowers and completing a mowing project, the operator of said vehicle shall place safety markings, like signs or cones. Additionally, the operator shall ensure that free passage of other vehicles along the streets shall not be obstructed.

(1979 Code, § 9-720)

Sec. 15-816. - Parking prohibited and/or limited.

The city administrator, or his designee shall cause the appropriate signs to be posted giving notice of any time when the parking time is limited or prohibited on designated streets. With that being said, operators of vehicles have a duty to observe other and more restrictive provisions, traffic conditions, and directions of a police officer or official traffic-control devices concerning the stopping, standing, or parking of vehicles.

CHAPTER 9 - PARKING METERS

Sec. 15-901. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Operator means any individual who shall operate a vehicle as the owner thereof or as agent, employee, or permittee of the owner.

Street means any public street, avenue, road, boulevard, highway, or other public place located in the city and established for the use of vehicles.

Vehicle means any device in, upon, or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

(1979 Code, § 9-801)

Sec. 15-902. - Authority of city administrator over meters and meter locations generally.

The city administrator, or his designee shall provide for the installation, regulation, control, operation, and use of the parking meters provided for in this chapter and shall maintain such meters in good working condition. The city administrator, or his designee shall also designate the places and points on the streets for the erection and location of parking meters, parking meter spaces, and the time limitations, and shall have the right to direct the meters removal or relocation at any time.

(1979 Code, § 9-802)

Sec. 15-903. - Contracts for purchase, maintenance, etc., of meters.

The city administrator is hereby invested with power and authority, with the mayor, to enter into a contract, after approval of the terms and conditions thereof by the city council, for the purchase and installation of parking meters, to be provided for solely from the receipts, funds, and revenue obtained from the operation of such parking meters, without in any manner obligating the city to pay for the same from any other source. The mayor and city administrator are further authorized and empowered to enter into contracts, after approval of the terms and conditions thereof by the city council, for such protection and maintenance of such parking meters as may be necessary to maintain the same in good operating condition, and

to pay for such parts, protection, and maintenance exclusively from the receipts, funds, and revenues received from the operation of such parking meters.

(1979 Code, § 9-803)

Sec. 15-904. - Purpose of parking meter fees.

The monetary amount required to be deposited in parking meters, as provided in this chapter, is hereby levied and assessed as the fees to provide for the proper regulation and control of traffic upon the public streets, the costs of supervision and regulating the parking of vehicles in the parking meter zones created hereby, and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control, and use of parking meters.

(1979 Code, § 9-804)

Sec. 15-905. - Marking of meter spaces; parking vehicles within meter spaces.

The city administrator or his designee shall have lines or markings painted or placed upon the curb or upon the street adjacent to each parking meter for the purpose of designating the parking space for which each parking meter is to be used. Each vehicle parked adjacent or next to any parking meter shall park within the line or marking so established. It shall be unlawful to park any vehicle across any such line or marking or to park such vehicle in such position that the same shall not be entirely in the area so designated by such lines or markings.

(1979 Code, § 9-807)

Sec. 15-906. - Vehicles to be parked with foremost part of vehicle near meters.

When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk or is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be nearest to the parking meter.

(1979 Code, § 9-808)

Sec. 15-907. - Deposit of money in meters.

When any vehicle shall be parked in any space adjacent to which a parking meter is located in accordance with the provisions of this chapter, the operator of the vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited the requisite monetary amount in such parking meter. Failure to deposit such monetary amount shall constitute a violation of this section.

(1979 Code, § 9-809)

Sec. 15-908. - Lawful occupation of meter spaces; overtime parking.

Upon the deposit of the requisite monetary amount and placing a parking meter in operation, the parking space adjacent to such meter may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the part of the street in which such parking space is located. If such vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking, the parking meter shall by its dial and pointer indicate such illegal parking, and such vehicle shall be considered as parked overtime and beyond the period of legal parking, and the parking of a vehicle overtime or beyond the period of legal parking time in any such part of a street where any such meter is located, shall be in violation of this section.

(1979 Code, § 9-810)

Sec. 15-909. - Permitting vehicles to be parked overtime or where time on meter has expired.

It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone.

It shall be unlawful for any person to permit a vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking space.

(1979 Code, § 9-811)

Sec. 15-910. - Parking trucks to load or unload freight.

None of the requirements of this chapter shall apply to trucks of any common carrier while stopping to load or unload freight in front of any building that has no adequate entrance other than a front entrance, nor to trucks owned by the occupants of any such building while unloading freight thereto.

(1979 Code, § 9-812)

Sec. 15-911. - Injury, destruction of, tampering with, etc. parking meters.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this chapter. It shall also be unlawful for any person to

deposit or cause to be deposited any fake, counterfeit, or an invalid monetary amount into the parking meter.

(1979 Code, § 9-814)

Sec. 15-912. - Investigation of violations and penalties.

It shall be the duty of the police officers of the city to investigate and enforce all violations of this chapter. Such violations shall be subject to the general penalty clause of the City.

(1979 Code, § 9-815)

CHAPTER 10 - ACCIDENTS

Sec. 15-1001. - Investigation by police department.

It shall be the duty of the police department to investigate traffic accidents and to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

(1979 Code, § 9-901)

Sec. 15-1002. - Traffic accident studies.

Whenever the accidents at any particular location become numerous, the police department shall conduct studies of such accidents and determine remedial measures.

(1979 Code, § 9-902)

Sec. 15-1003. - Traffic accident reports.

The police department shall maintain a suitable system of filing traffic accident reports.

(1979 Code, § 9-903)

CHAPTER 11 - RAILROADS^[7]

Footnotes:

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Charter reference— Railroads—construction of bridges, overpasses, etc., § 5(32); railroads—watchmen or signals at crossings, § 5(33).

Cross reference—Obedience of pedestrians to railroad signals, § 15-702.

Sec. 15-1101. - Maintenance of crossings.

All railroad companies operating trains across the streets of the city shall lay and keep in good repair the pavement at all such street crossings. The surface of such pavement shall be on a level with the top of the rails of the tracks, and shall be laid between the rails and for a width of at least one foot on the outside of each outside rail of such tracks. The whole shall be laid so as to make a smooth and even surface. When two or more tracks are closer together than 20 feet, pavement shall be laid in the space between each track.

(1979 Code, § 9-1101)

CHAPTER 12 - PROCEDURE FOR TRAFFIC AND PARKING VIOLATIONS⁸

Footnotes:

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Cross reference— Storing wrecked or abandoned vehicles on streets prohibited, § 16-121.

Sec. 15-1201. - Illegal cancellation or alteration of traffic citations.

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this chapter. It shall be unlawful and shall be considered official misconduct for any member of the police department or other officer or public employee to dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in a manner other than as required in this chapter.

(1979 Code, § 9-1204)

Sec. 15-1202. - Audit of records.

Every record of traffic citations issued therefor required in this title shall be audited annually during the City audit. Said audit shall be a public record.

(1979 Code, § 9-1205)

Sec. 15-1203. - Citation on illegally parked vehicle.

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any provision of this code or other ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

(1979 Code, § 9-1207)

Sec. 15-1204. - Presumption in reference to illegal parking.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred. Such presumption shall apply only when the procedure prescribed in section 15-1307 has been followed.

(1979 Code, § 9-1209)

Sec. 15-1205. - Disposition of traffic fines, fees and forfeitures.

All fines, fees or forfeitures collected upon conviction of any person charged with a violation of any of the provisions of this title shall be paid into the general fund of the city.

(1979 Code, § 9-1212)

Sec. 15-1206. - Impoundment of vehicles.

Members of the police department are hereby authorized to impound vehicles pursuant to state law and City Police Department policy.

CHAPTER 13 - REGISTRATION AND LICENSING OF VEHICLES^[9]

Footnotes:

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Editor's note— Ord. No. 3516, adopted March 17, 2015, repealed ch. 14 in its entirety, and enacted new provisions to read as herein set out. Former ch. 14, §§ 15-401—15-408, pertained to similar subject matter, and derived from the 1979 Code, §§ 9-1301—9-1308.

Sec. 15-1301. - Applicability of chapter.

The provisions of this chapter shall apply to those persons owning or operating vehicles within the city.

(Ord. No. 3516, 3-17-2015)

Sec. 15-1302. - Registration of vehicles.

All owners or operators of vehicles to which this chapter is applicable shall register such vehicles in compliance with the registration and licensing of motor vehicles laws codified in T.C.A. title 55, ch. 4. It shall be a municipal offense and a violation of this city ordinance to own or operate a vehicle without the proper registration.

(Ord. No. 3516, 3-17-2015)

PASSED ON FIRST READING THIS THE 21ST DAY OF MARCH, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 4TH DAY OF APRIL, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

ORDINANCE NO. _____
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE, AMENDING TITLE 18 (WATER AND SEWERS) CHAPTER 1
(SEWAGE AND HUMAN EXCRETA DISPOSAL)

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 18 (Water and Sewers) Chapter 1 (Sewer and Human Excreta Disposal) of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

TITLE 18
WATER AND SEWERS¹

CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.

SECTION

- 18-101. Definitions.
- 18-102. Sanitary method for disposal of sewage, etc., required.
- 18-103. Required sewer connections.
- 18-104. Septic tanks required for water-carried sewage facilities where accessible sewer does not exist.
- 18-105. Use of sanitary pit privies or other approved methods of disposal.
- 18-106. Permit and approval of health officer required for septic tanks, privies, etc.
- 18-107. Duty of occupants, tenants, etc., to maintain sewage disposal facilities.
- 18-108. Registration of persons operating equipment for cleaning of septic tanks, privies, etc.
- 18-109. Discharge of sewage, etc., into watercourses.
- 18-110. Discharge of sewage, etc., into wells, crevices, etc., which may pollute ground water.
- 18-111. Requirements for carnivals, circuses, etc.
- 18-112. Inspection of sewage disposal methods by health officer; notice to correct violations of chapter.

18-101. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of such property, measured along the shortest available right-of-way.

"Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two

¹ Municipal code references-- Building, utility and housing codes: title 12. Refuse disposal: title 17. Electric light and waterworks commissioners: § 2-401. Charter references-- Extension of water facilities: § 21. Sewer connections: § 5(27). Waterworks system: § 20A.

(2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Public Health. A minimum liquid depth of four (4) feet shall be provided, with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions shall be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth shall not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer, as determined by acceptable soil percolation data.

"Authority." The entity responsible for operation and maintenance of the sanitary sewer system under this Ordinance is the Morristown Utilities Commission (MUC).

"Human excreta." The bowel and kidney discharges of human beings.

"Inspections department." The inspections department of the City of Morristown.

"Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device other than a sanitary sewer, septic tank, or sanitary pit privy, the type, location, and construction of which have been approved by the health officer.

"Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

"Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

"Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1979 Code, § 8-301)

18-102. Sanitary method for disposal of sewage, etc. required.

1. Every residence, building, or place where human beings reside, assemble or are employed within the city or within the jurisdiction of the county health department shall have a sanitary method for disposal of sewage and human excreta.
2. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by this section or the agent of the owner to provide such facilities.
3. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal specified in this chapter. (1979 Code, § 8-302)

18-103. Required sewer connections.²

² Charter reference authorizing the city to require connections with sanitary sewers: § 5(27).

Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to such sewer made in compliance with the requirements of the controlling authority. On any lot or premise accessible to the sewer, no other method of sewage disposal shall be employed. (1979 Code, § 8-303)

18-104. Septic tanks required for water-carried sewerage facilities where accessible sewer does not exist.

1. Wherever water-carried sewage facilities are installed and their use is permitted by the inspections department, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.
2. No septic tank or other water-carried sewage disposal system, except a connection to a public sewer shall be installed without the approval of the inspections department. The design, layout, and construction of such systems shall be in accordance with specifications approved by the inspections department and the installation shall be under the general supervision of the inspections department. (1979 Code, § 8-304)

18-105. Use of sanitary pit privy or other approved methods of disposal.

Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1979 Code, § 8-305)

18-106. Permit and approval of inspections department required for septic tanks, privies, etc.

Any person proposing to construct a septic tank system, privy, or other sewage disposal facility requiring the approval of the inspections department under this chapter, shall before the initiation of construction obtain the approval of the inspections department for the design and location of the system and secure a permit from the inspections department for such system. (1979 Code, § 8-306)

18-107. Duty of occupants, tenants, etc. to maintain sewage disposal facilities.

It shall be the duty of the occupant, tenant, lessee, or other person in charge of any building or premises to maintain the facilities for sewage disposal in a clean and sanitary condition at all times. No refuse or other material which may unduly fill-up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1979 Code, § 8-307)

18-108. Registration of persons operating equipment for cleaning of septic tanks, privies, etc.

Every person who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property shall register with the inspections department and furnish such records of work done within the city limits as may be deemed necessary by the inspections department. (1979 Code, § 8-308)

18-109. Discharge of sewage, etc., into watercourses.

No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the inspections department and specifically authorized by the Tennessee Department of Environment and Conservation. (1979 Code, § 8-309)

18-110. Discharge of sewer, etc. into wells, etc. which may pollute ground water prohibited.

No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1979 Code, § 8-310)

18-111. Requirements for carnivals, circuses etc.

Whenever carnivals, circuses, or other transient groups of persons come within the city such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the inspections department shall constitute a violation of this section. In these cases, the violator shall not be entitled to the notice of thirty (30) days provided for in § 18-112. (1979 Code, § 8-311)

18-112. Enforcement of chapter.

It shall be the duty of the inspections department to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation of this chapter shall be given by the inspections department to the person responsible under this chapter for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the inspections department shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace, but such person shall be allowed thirty (30) days within which to make permanent correction. Penalty for violation of the foregoing provision shall accrue as provided in the general penalty clause for this code for each day subsequent to the allowed thirty days provided an extension has not been granted by the inspections department for just cause only. (1979 Code, § 8-312)

PASSED ON FIRST READING THIS THE 4TH DAY OF APRIL, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 2nd DAY OF MAY, 2017.

MAYOR

ATTEST:

**ORDINANCE NO. _____
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE, AMENDING TITLE 18 (WATER AND SEWERS) CHAPTER 3
(SEWER CHARGES)**

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 18 (Water and Sewers) Chapter 3(Sewer Charges) of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

**TITLE 18
WATER AND SEWERS¹**

CHAPTER 3. SEWER CHARGES

(1) The Morristown Utilities Commission (MUC) has the authority to operate and maintain the sewer system within the area governed by this ordinance. As such it shall establish rates and fees for various services with adjustments as shall be approved by the Commissioners from time to time.

PASSED ON FIRST READING THIS THE 4TH DAY OF APRIL, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 18TH DAY OF APRIL, 2017.

MAYOR

ATTEST:

¹ Municipal code references-- Building, utility and housing codes: title 12. Refuse disposal: title 17. Electric light and waterworks commissioners: § 2-401. Charter references-- Extension of water facilities: § 21. Sewer connections: § 5(27). Waterworks system: § 20A.

CITY ADMINISTRATOR

ORDINANCE NO. _____
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE, AMENDING TITLE 18 (WATER AND SEWERS) CHAPTER 4
(WATER POLLUTION CONTROL)

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 18 (Water and Sewers) Chapter 4 (Water Pollution Control) of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

TITLE 18
WATER AND SEWERS¹

CHAPTER 4. WATER POLLUTION CONTROL

SECTION

- 18-401 Purpose and objectives.
- 18-402 Scope and administration.
- 18-403 Abbreviations and definitions.
- 18-404 General provisions.
- 18-405 Prohibitions and limitations on wastewater discharge.
- 18-406 Inspections and monitoring.
- 18-407 Enforcement provisions.

18-401. Purpose and objectives.

1. Purpose. The purpose of this chapter is to provide for the regulation of direct and indirect discharges into municipal waters and public sewer systems. This chapter sets forth uniform requirements for all direct and indirect discharges into the waters of the City of Morristown, Tennessee. This chapter further authorizes Morristown Utilities Commission (MUC) also known as Morristown Utility System (MUS) to regulate the direct and indirect discharge into its sewer system. This chapter enables both the City of Morristown and MUC to comply with all applicable state laws, the Clean Water Act (33U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR part403) as amended.
2. Objectives. The objectives of this chapter include but are not limited to the following:
 - (a) To protect the employees and agents of the City of Morristown, MUC, the general public, and the local environment from potential hazards to human health associated with pollutants which may or could be discharged into the POTW or a receiving stream;
 - (b) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the system, including interference with its use, or disposal of the resulting

¹ Municipal code references-- Building, utility and housing codes: title 12. Refuse disposal: title 17. Electric light and waterworks commissioners: § 2-401. Charter references-- Extension of water facilities: § 21. Sewer connections: § 5(27). Waterworks system: § 20A.

biosolids; or which will pass through the system into receiving waters or the atmosphere or otherwise be detrimental to the system or the environment;

- (c) To improve the opportunity to recycle and reclaim municipal and industrial wastewaters and biosolids from the system;
- (d) To allow for equitable distribution of the capital, operating and maintenance costs of the MUC wastewater system to the uses of the system;
- (e) To provide for the development of effluent limitations and other discharge criteria, and to provide that certain users shall pretreat wastes to prevent the introduction of pollutants into the POTW or the local environment;
- (f) To provide for the assessment of penalties against any person for violations of any provisions set forth in the articles or sections contained herein or as authorized under state laws or federal regulations;
- (g) To enable MUC to comply with its NPDES permit conditions, biosolids use and disposal requirements, and any other federal or state laws. (Ord. #2745, Jan. 1995, as replaced by Ord. #3140, July 2003.)
- (h) To authorize MUC to adopt Rates, Policies, Rules and Regulations as it deems necessary to meet the intent of this Ordinance as they apply to the sewer collection and treatment system within their authority.

18-402. Scope and administration.

1. Scope. The scope of this chapter includes but is not limited to the following:

- (a) All individuals, corporations and other organizations situated or operating inside the corporate boundaries of the City of Morristown, Tennessee, and to individuals, corporations and other organizations outside the corporate limits of the City of Morristown who are, by contract or agreement with the MUC, users of the MUC POTW or who discharge into the waters of the city.
- (b) All domestic and non-domestic sources which are transported by truck or rail or otherwise introduced into the POTW or local environment.

2. Administration.

- (a) Except as otherwise provided herein, the City Administrator of the City of Morristown, Tennessee, or his designated agent, shall administer, implement and enforce the provisions of this chapter.
- (b) It is further provided that the Morristown Utilities Commission, (MUC) has been authorized and is the city administrator's designated agent to adopt various policies, rules and regulations to ensure proper operation and maintenance of its systems. These include but are not limited to: Rates, Fats Oil and Grease (FOG) Management; Industrial Pretreatment; sewer lateral maintenance and repair; and other similar rules and regulations as may deemed necessary to achieve the objectives of this Ordinance.

- (c) In all cases in this chapter, the use of the term "shall" indicates the specified action is mandatory and must be done, while the term "may" is permissive and indicates that the specified action is optional.
- (d) In all cases in this chapter, the use of the term "he," "she," "them," "they," "their" or similar terms shall not be specific, but the masculine gender shall include the feminine, and the singular shall include the plural. (Ord. #2745, Jan. 1995, as replaced by Ord. #3140, July 2003.)

18-403. Abbreviations and definitions.

1. Abbreviations. The following abbreviations shall have the designated meanings:

ASTM:	American Society for Testing and Materials
BMP:	Best Management Practices
BOD:	Biochemical Oxygen Demand
CAA:	Clean Air Act
CFR:	Code of Federal Regulations
CERCLA:	Comprehensive Environmental Response and Liability Act
COD:	Chemical Oxygen Demand
EPA:	Environmental Protection Agency
FOG:	Fats, Oils and Grease
FR:	Federal Register
GPD:	Gallons per Day
IU:	Industrial User
MGD:	Million Gallons per Day
mg/L:	Milligrams per Liter
MUC:	Morristown Utilities Commission
NPDES:	National Pollution Discharge Elimination System
POTW:	Publicly Owned Treatment Works
RCRA:	Resource Conservation and Recovery Act
SARA:	Superfund Amendments and Re-authorization Act
SDWA:	Safe Drinking Water Act
SIC:	Standard Industrial Classification
SWDA:	Solid Waste Disposal Act
TSS:	Total Suspended Solids
USC:	United States Code
WEF:	Water Environment Federation

2. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter and all applicable MUC Rules, Regulations and Policies, shall have the meaning hereinafter designated:

"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.).

"Approval authority." The director in an NPDES state with an approved state pretreatment program or the administrator of the EPA in a non- NPDES state or NPDES state without an approved state pretreatment program.

"Approved POTW pretreatment program." A program administered by MUC that meets the criteria established by regulation in 40 CFR Part 403.8 and 403.9 and which has been approved by a regional administrator or state director in accordance with 403.11 of that regulation.

"Authorized representative of IU." An authorized representative of an IU may be an individual or person having overall responsibility for environmental matters for the organization as defined in Tennessee Rule 0400-40-14-.12(12).

"Baseline monitoring report (BMR)." A comprehensive analytical laboratory test performed on a discharge which establishes specific pollutant contributions to the POTW together with any other information required by the control authority or as stated in 403.12(b).

"Best Management Practices." A schedule of activities, prohibitions of practice, maintenance procedures and other management practices to implement the prohibitions listed in Tennessee Rule 1200-4-14-05(1)(a) and (2).

"Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

"Building drain." The part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Building sewer." The extension from the building drain to the public sewer or other place of disposal (also known as a lateral).

"Categorical standards." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter 1, subchapter N, parts 405-471.

"City." The City of Morristown, Tennessee.

"City administrator." The duly authorized representative of the City of Morristown charged with overall daily administration of the general municipal functions of the City of Morristown.

"City engineer." The duly authorized representative of the City of Morristown charged with administration of the engineering functions of the City of Morristown.

"City plumbing inspector." The duly authorized representative of the City of Morristown charged with inspections and approvals of plumbing.

"Color." The optical density at the visual wave length of maximum absorption relative to distilled water.

"Combined sewer." A sewer receiving both surface water runoff and sewage.

"Commercial user." Any person or property occupied by a non-residential establishment not within the definition of an industrial user and which discharges into the POTW.

"Compatible pollutant." Pollutants which the POTW is designed to treat and remove to a substantial degree, including BOD, TSS, FOG, pH and fecal coliform bacteria.

"Composite sample." The sample resulting from the combination of individual wastewater samples collected at selected intervals based on an increment of either time or flow.

"Control authority." The City of Morristown which has authorized the Morristown Utilities Commission (MUC) dba Morristown Utility Systems (MUS) to act on its behalf as the Control Authority or any authorized person acting on their behalf.

"Conventional pollutants." Those pollutants normally found in domestic wastewater including, but not limited to, BOD, TSS, FOG, fecal coliform and pH and other pollutants as designated by the EPA. The thermal component of any discharge shall not be identified as a conventional pollutant.

"Cooling tower." A device that aids in heat removal from water used as a coolant.

"Cooling water." Uncontaminated (Non-contact) – Water used for cooling purposes only, which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the total intake water.

Contaminated (Contact) – Water used for cooling purposes only, which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

"Direct discharge." The discharge of treated or untreated water directly to the waters of the city or state.

"Discharge." To discard, deposit, inject, dump, spill, pump, pour, leak, drain, emit, empty or otherwise allow the escape or release of pollutants by a person, either intentionally or unintentionally.

"Environmental Protection Agency (EPA)." The United States EPA, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

"Existing source." Any source of discharge that is not a "New Source".

"Garbage." Any animal and vegetable wastes and residual solid wastes from the domestic and commercial preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products or produce.

"General Manager." The duly authorized representative of MUC charged with the administration of the POTW functions of the Morristown Utilities Commission.

"Grab sample." A sample which is taken from a waste stream without consideration of the flow rate of the waste stream, which is collected over a period of time not exceeding 15 minutes. Grab sampling should be employed where the pollutants being evaluated are those, such as heat, pH, cyanide, total phenols, oil and grease, sulfide and volatile organics, which may not be held for an extended period because of biological, chemical or physical interactions which take place after sample collection that may affect analyses.

"Grease." A group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other non-fatty materials commonly found in wastewater.

"Hazardous waste." A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or that may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

"Heavy metals." Metallic elements like arsenic, cadmium, chromium, lead and mercury with high molecular weights.

"Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum- pump tank trucks.

"Illicit discharge." Any discharge to a separate storm sewer or receiving stream that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from firefighting activities.

"Incompatible pollutants." All pollutants other than compatible pollutants and conventional pollutants as defined herein.

"Indirect discharge." The introduction of pollutants into a POTW from any non-domestic source regulated under section 307 (b), (c), or (d) of the Act, (33 U.S.C. 1317). This includes holding tank wastes discharged into the system for treatment before direct discharge to waters of the state.

"Industrial pretreatment." Any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state or local regulations.

"Industrial surcharge." A cost recovery system establishing a fee to be collected from industrial and commercial users that contribute excessive amounts of compatible pollutants into the POTW.

"Industrial user (IU)." Any non-residential user of the POTW that is a source of indirect discharge, including but not limited to divisions A, B, D, or E of the SIC manual. Also includes any user that discharges wastewater containing toxic or poisonous substances, as defined in sections 307 and 502 of the CWA, or any substance(s) causing interference with the POTW.

"Industrial wastes." Liquid wastes from manufacturing processes, trade or business as distinct from sanitary or normal domestic wastewaters.

"Infectious waste." Any solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease.

"Inhibitor." Any substance which might impair, effectively reduce or terminate the biological process and/or biological operation of the POTW.

"Interference." A discharge, which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its biosolids processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

"Jurisdiction." All areas within or outside the corporate limits of the City of Morristown, Tennessee, served by the sewers of the POTW.

"Licensed plumber." Any person skilled in the installation of plumbing and licensed by the City of Morristown.

"Mass emission rate." The weight of material discharged during a given time interval. Unless otherwise specified, the mass emission rate shall be measured in pounds per day.

"Maximum allowable instantaneous discharge limit." The maximum concentration of any pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the flow rate or the duration of the sampling event.

"Medical wastes." Isolation wastes, infectious agents, human blood or blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

"Milligrams per liter (mg/L)." A phrase used interchangeable with the phrase "parts per million," and is a metric weight-to-volume ratio. The mg/l value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water or wastewater.

"Monitoring." Any method of sampling and analyzing waste streams employed by the city to enforce provisions of this chapter.

"National pollution discharge elimination system permit (NPDES Permit)." A permit issued pursuant to section 402 of the Act.

"National pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 403.5.

"Natural outlet." Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"New source."

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

- a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or
(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment;
or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"Normal domestic wastewater." Wastewater, excluding industrial wastewater, discharged into the sanitary sewers and in which the average concentration of total suspended solids (TSS) does not exceed 250 mg/L, and biochemical oxygen demand (BOD) does not exceed 250 mg/L, and grease (FOG) does not exceed 100 mg/L.

"Pass through." A discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"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.

"pH." The logarithm (base 10) of the reciprocal of the concentration of the hydrogen ions expressed in grams per liter (g/L).

"Point source." Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

"Pollutant." Any dredged spoil, solid wastes, hazardous or infectious wastes, incinerator residue, sewage, garbage, sewage biosolids, munitions, chemical wastes, biological materials, radioactive materials, landfill leachate, petroleum residuals, heat, color, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, commercial, municipal and agricultural waste discharged into water.

"Pollution." The man-made or man-induced alteration of the chemical, physical, or biological properties of water, including but not limited to increased carcinogenicity, teratogenicity, mutagenicity, toxicity, radioactivity or changes in temperature, anesthetics and usability.

"POTW treatment plant." That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

"Pretreatment." The reduction, elimination or alteration of pollutants prior to or in lieu of discharging or otherwise introducing pollutants into a POTW. Pretreatment may be by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR section 403.6(d).

"Pretreatment coordinator." The person designated by MUC who is charged with certain duties and responsibilities regarding pretreatment of discharges set forth in this chapter and adopted MUC Industrial Pretreatment Policy, or his duly authorized representative.

"Pretreatment program." The rules and regulations of MUC regulating the discharge and treatment of industrial waste which complies with Tennessee Code Annotated, title 69, chapter 3, part 1, 33 U.S.C. section 1251 et. seq., and 40 CFR section 403.1 et seq.

"Pretreatment requirements." Any substantive or procedural requirement imposed by MUC related to pretreatment, other than a National Pretreatment Standard.

"Pretreatment standards." Prohibitive discharge standards, categorical pretreatment standards and local limits.

"Priority pollutants." Any of the priority pollutants as defined by the Act, which are known to be present in point source effluents, in the aquatic environment, in fish and in drinking water.

"Private disposal system." A facility owned, operated and maintained by any person, individual, firm, company, association, society, corporation or group for the purpose of collecting and disposing of sewage within the property owned, occupied or used by said person.

"Prohibited damage." Absolute prohibition against the discharge of certain substances.

"Properly shredded garbage." Wastes from the preparation, cooking and dispensing of foods that have been shredded to such a 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.

"Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by MUC. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances connected to a facility providing treatment. The term also means the public authority which has jurisdiction over the indirect discharges to and the discharges from such a treatment works

"Public sewer." A sewer which is controlled by public authority and to which the public may have access under the terms and conditions established by the authority.

"Receiving stream." The natural stream or watercourse that accepts any liquid discharge.

"Sanitary sewer." A sewer which carries normal sewage as defined below and to which storm, surface and ground waters are not intentionally admitted.

"Separate storm sewer." A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, owned or operated by the state or city or other public body having jurisdiction over storm water or other wastes that discharge into waters of the United States which are designed or used for collecting or conveying storm water, and which are not combined sewers and are not part of the POTW.

"Septic tank waters." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

"Sewage." A combination of the water-carried wastes from residential, business and commercial buildings, institutions and industrial establishments.

"Significant industrial user (SIU)."

1. Except as provided in 40 CFR 403.3(v)(2) and paragraph 2 below, the term significant industrial user means all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and any other industrial user that is designated as such by MUC. A significant industrial user shall be any user that:

- (a) Discharges 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- (b) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant(s); or
- (c) Is designated as such by MUC on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

2. MUC may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user (NSCIU) rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

- i. The industrial user, prior to MUC's finding, has consistently complied with all applicable categorical pretreatment standards and requirements
- ii. The industrial user annually submits the certification statement required in paragraph (17) of Rule 0400-40-14-.12 together with any additional information necessary to support the certification statement

- iii. The industrial user never discharges any untreated concentrated wastewater.

"Significant noncompliance." Any single or continued violation of the provisions of this chapter as determined by MUC, and the MUC Industrial Pretreatment Policy. Any user meeting any one of the conditions listed in § 18-407, Enforcement provisions, shall be considered to be in significant noncompliance.

"Slug Discharge." Any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow which could cause violation, or discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge.

"Solid waste." Any garbage, refuse, biosolids from waste treatment, water supply treatment or air pollution control facilities and other discarded material, including solid, liquid, semisolid, or contained gaseous materials. Under RCRA, if a business generates any material that is discarded or disposed of, it must determine if that material is a "solid waste" according to the regulatory definition.

"Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget.

"State." The State of Tennessee.

"Storm drains (also known as storm sewers)." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Storm water." Any runoff, snow melt runoff, surface runoff and drainage flow occurring during or following any form of natural precipitation.

"Substantial change." Any increase or decrease of twenty percent (20%) or more in permitted average monthly flow, BOD, TSS or any other permitted constituent of the waste stream. This includes the addition or removal of waste streams to the permitted streams, or the addition or removal of waste constituents. A substantial change is of a planned continuous nature, and this definition does not apply to normal instantaneous variations.

"Surcharge." See industrial surcharge.

"Suspended solids (also known as total suspended solids)." The total suspended matter that floats on the surface of or is suspended in, water, wastewater, or other liquid and which is removable by laboratory filtering.

"Total toxic organics (TTO)." The sum of the masses or concentrations of specific toxic organic compounds found in any discharge at a concentration greater than .01 mg/l. Each

categorical pretreatment standard lists the specific toxic pollutants that are to be included in the summation to define TTO for the category. MUC may require that all priority pollutants be included in this summation.

"Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the EPA under the provision of CWA 307 (33 USC 1317) or other Acts.

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

"Unpolluted wastewater." Water containing no free or emulsified grease or oils, no acids or alkalis, no phenols or other substances in suspension, colloidal state or solution, no noxious or other obnoxious gases, and insignificant amounts TSS and BOD as determined by approved analytical methods

"Used oil." Any oil that has been refined from crude oil, used and, as a result of such use, contaminated by physical or chemical impurities. Used oil includes spent automotive lubricating oils, transmission fluid, brake fluid and off-road engine oil; spent industrial oils, including compressor, turbine and cleaning oils, hydraulic oils, metal working oils, gear oil, electrical oils, refrigerator oils and railroad drainage or spent industrial process oils.

"User." Any person who contributes, causes or permits the contribution of wastewater into the POTW.

"Wastewater." See sewage.

"Wastewater constituents and characteristics." The individual chemical, physical, biological, or radiological parameters, including temperature and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater and the potential effect of the POTW.

Wastewater permit." Written consent of MUC to discharge wastewater into POTW as set forth in certain article(s) and/or section(s) of this chapter and the MUC Industrial Pretreatment Policy.

"Water course." See receiving stream.

"Waters of the state or city." All creeks, streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Tennessee or the City of Morristown or any portion thereof. (Ord. #2715, Jan. 1995, as replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006.)

18-404. General provisions.

Connection to public sewers.

- (a) Unless specifically authorized otherwise by this chapter, the State of Tennessee, or regulations of the United States of America, it shall be unlawful for any person to place, deposit, or permit to be deposited or discharged in any manner on public or private property within the boundaries of the city, or in any area of jurisdiction of the city, any waste products, including but not *limited* to wastewater, industrial waste or other polluted liquids, any human or animal excrement, garbage, or other pollutant or objectionable substance. Nor shall the activity described in this paragraph take place into or adjacent to any natural outlet, watercourse, storm sewer or other area within the jurisdiction of the city.
- (b) Discharges into the city waters, MUC sewers or the POTW are not authorized unless approved by the controlling authority (i.e. City or MUC) in accordance with specific articles and provisions of this chapter and adopted rules, regulations and policies.
- (c) All houses, buildings, structures or properties of any type used for human occupancy, employment, recreation or other purposes, situated within the city or within an area where sanitary sewer service is available, and abutting on any street, alley, easement or right-of-way in which there is now located a public sanitary sewer, is hereby required to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the rules and regulations of MUC and the provisions of this chapter.
- (d) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage or other wastewater if public sewer is available. The disposal of wastewater by means other than the use of a sanitary sewage system shall be in accordance with applicable local, county, state and federal laws, rules and regulations. The disposal of wastewater by private disposal systems shall be permissible only in those instances where service from the public sanitary sewer system is not available.
- (e) MUC may desire to extend sewer service for the purpose of connection of residential, commercial, and industrial users. Such extensions shall be in accordance with the MUC's adopted rules and regulations.
- (f) A separate and independent building sewer shall be provided for every building or structure, except when one building or structure stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except when monitoring is required. In such case, both building discharges must be monitored separately. Both buildings must have common ownership.
- (g) Existing building sewers may be reused in connection with new buildings or structures only when they are found, on examination and test, to meet all requirements of this chapter, applicable plumbing codes and MUC rules, regulations and policies.
- (h) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing, back-filling the

trench and connection to the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules, regulations and policies of the city, MUC or the procedures set forth by ASTM and the WPCF manual of practice No. 9. All such connections shall be made gas-tight and watertight.

- (i) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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 public sewer at the owner's expense.
- (j) The applicant for the building sewer permit shall notify the city plumbing inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city plumbing inspector. No work shall be covered until this inspection is made and the work is approved by the City.
- (k) 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. Exceptions may be made only if such connection is approved by MUC for purpose of disposal of polluted surface drainage or groundwater. Such connections, if approved, will require a wastewater discharge permit.
- (l) The owner of any building or buildings which are connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations and the rules and regulations of MUC, at no expense to the city or MUC. All costs and expense incident to the installation and construction of the building sewer shall be borne by the owner. The owner shall indemnify the city and MUC from any loss or damage that may directly or indirectly be occasioned by the installation, operation, or maintenance of the building sewer.
- (m) No person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining authorization from MUC and the City Plumbing Inspector.
- (n) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlets approved by the State of Tennessee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the State of Tennessee, to a storm sewer, or natural outlet.
- (o) It shall be unlawful to discharge to any natural outlet within the boundaries of the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment approved by the appropriate governmental agencies has been provided in accordance with the provisions of this chapter and the rules and regulations established by the State of Tennessee and the United States of America.
- (p) MUC shall monitor the POTW influent in accordance with its current NPDES permit and shall regulate discharges in accordance with the adopted MUC Industrial

Pretreatment Policy, FOG Management Policy and other policies as it deems necessary to comply with its permit.

18-405. Prohibitions and limitations on wastewater discharge.

1. Requirement for wastewater permits. No person shall discharge or cause to be discharged into the POTW any wastewater other than domestic sewage resulting from normal human habitation, including food preparation activities, unless he holds a wastewater discharge permit except as outlined in paragraph 2 below. MUC shall be responsible for developing and implementing a discharge permit program. Failure to maintain a valid discharge permit shall be a violation of this ordinance subject to enforcement by MUC and the City.
2. MUC may exempt a user from the permitting requirement based on documentation submitted by the user that the user has minimal or no discharge of industrial wastewater. For purposes of this section, MUC shall make the determination of minimal discharge on a case by case basis and MUC may re-evaluate this determination at any time at its sole discretion. This exemption and documentation shall remain in the MUC files and must be renewed by the user every three years.
3. Prohibited Discharges. MUC shall develop criteria restricting discharges to its POTW to ensure compliance with its NPDES permit and protect the local environment. Failure of a discharge to adhere to these criteria will be considered a violation of this ordinance subject to enforcement by MUC and the City.

18-406. Inspections and monitoring.

Inspection.

1. The City Administrator, the MUC General Manager, the City Plumbing Inspector and other duly authorized employees of the city, MUC, state or the EPA bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of surveillance, inspection, observation, measurement, sampling and testing in accordance with the provisions contained herein.
2. While performing the necessary work on private properties, all duly authorized agents or employees of the city, and MUC shall observe all safety rules applicable to the premises established by the company. The city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company as a result of the required city operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. MUC shall do likewise for their employees.

18-407. Enforcement provisions.

This section establishes procedures for enforcement of the various provisions contained within this chapter. The specific procedures established by MUC in their pretreatment policy, their FOG Management Policy and other policies as may be deemed necessary, are subject to change as necessary to enable MUC to provide efficient wastewater treatment to protect public health and environment, and to enable MUC to meet requirements contained in its National Pollutant

Discharge Elimination System (NPDES) permit and any other state law or federal regulations concerning the discharge of pollutants.

1. Violations. Any user who violates any of the conditions of this chapter, the MUC Industrial Pretreatment Policy, the MUC FOG Management Policy or applicable state and federal regulations, is subject to the enforcement procedures of the applicable policy and this chapter. Violations shall include, but not be limited to those identified in the applicable policy.
2. Significant noncompliance. Any user meeting one or more of the following conditions shall be considered to be in significant noncompliance.
 - (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
 - (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - (c) Any other violation of a pretreatment standard or requirement as defined herein (daily maximum, long-term average, instantaneous limit, or narrative standard) that MUC determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in MUC's exercise of its emergency authority to halt or prevent such a discharge;
 - (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance; or
 - (h) Any other violation(s), which may include a violation of pollution prevention alternatives, which MUC determines will adversely affect the operation or implementation of the local pretreatment program.
3. Notice of violation.
 - (a) Any person or user violating any provision of this chapter shall be served by authorized MUC representatives or the City Administrator with a written notice of violation

(NOV) stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- (b) Any person or user violating any of the provisions of this chapter including MUC policies shall become liable to MUC and/or the City for any expense, loss or damage occasioned MUC and/or the City by reason of such violation.

4. Consent/Compliance orders.

- (a) Any person or user who continues to violate any provision of this chapter or the MUC Pretreatment Policy after being served with a notice of violation shall be given the opportunity to enter into a Consent Order agreeing to stipulated corrective measures with specific time frames for compliance.
- (b) Any person failing to execute the Consent Order or to gain compliance within the specified time frames therein shall be served by certified mail with a Compliance Order from MUC stating the nature of the violation and ordering an immediate cessation of any and all activities that are not in compliance with the provisions of this chapter.
- (c) Failure by any person or user to comply with the terms of a duly issued written Compliance Order shall make the user subject to termination of service or appropriate penalties to be determined in an administrative hearing.

5. Show cause hearing.

- (a) The city administrator or authorized MUC representatives may order any person or user who continues to cause or allow an unauthorized discharge to enter the POTW, sewage collection systems, the waters of the city, or to continue to violate any provision of this chapter, to show cause why the proper enforcement action required after being duly served with a notice of violation and compliance order to cease the violation should not be taken.
- (b) Hearing procedures shall be as outlined in the MUC pretreatment policy.

6. Penalties.

- (a) Any person, including but not limited to industrial users, who violates any provision of this chapter, the MUC Industrial Pretreatment Policy and/or the MUC FOG Management Policy shall be subject to a civil penalty of up to ten thousand (\$10,000) per day for each day during which the act or omission continues or occurs.
- (b) Any septic tank pumping vehicle and/or driver discharging into any manhole in the sanitary sewer collection system without prior approval of MUS shall be penalized a minimum of \$500.00 and the permit shall be revoked on that vehicle. The permit may then be renewed only upon approval of MUS after any and all penalties imposed have been paid in full. In the event of a second offense involving either the vehicle or the driver, both the driver and his firm shall be penalized a minimum of \$2,500.00 each, plus the payment of any environmental cleanup costs if applicable, and the vehicle permit shall be permanently terminated.
- (c) Any person or party who uncovers, makes any connections with or openings into, uses, alters or disturbs any public sewer or appurtenance thereof without first obtaining a

written permit from MUS shall be penalized a minimum of \$500.00 and shall be liable to MUC and the City for any expense, loss or damage occasioned reason of such violation.

7. Suspension of service. MUS may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of MUS, in order to stop an actual substantial endangerment to the health or welfare of persons, to the environment, cause interference to the POTW or cause MUS to violate any condition of its NPDES permit. Suspension of a wastewater contribution or permit shall require suspension of the water supply to the same property.
8. Appeals. The hearing of an appeal of any enforcement action taken by MUC may be conducted by the City Administrator and the City Attorney. Appeal of any final administrative order entered pursuant to this chapter, the MUC Industrial Pretreatment Policy and/or the MUC FOG Management Policy, may be taken in accordance with applicable state and local laws.
9. Legal action.
 - (a) If any person discharges sewage, industrial wastes or other wastes into the POTW or the local environment contrary to the provisions of this chapter, the MUC Industrial Pretreatment Policy, the MUC FOG Management Policy, federal or state pretreatment requirements, or any order of the City or MUC, the City attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.
 - (b) In addition to the other remedies for enforcement provided herein, the City and/or MUC may petition the appropriate court to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to insure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal laws.
 - (c) No 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 POTW. Any person violating this provision shall be subject to fines and penalties specified in this chapter, and shall not be released from any civil liability for damages and costs incident to replacement of the facilities.
10. Remedies nonexclusive. The remedies provided in this chapter are not exclusive. The City and/or MUC may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in conformance with the enforcement response plan, but the City and/or MUC may take other action against any user when conditions warrant. The City and/or MUC may also take more than one simultaneous enforcement action against any noncompliant user. (Ord. #2715, Jan. 1995, as amended by Ord. #3005, Sept. 1999, replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006)

PASSED ON FIRST READING THIS THE 4TH DAY OF APRIL, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 2nd DAY OF MAY, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PROFESSIONAL SERVICES AGREEMENT

Project: Morristown Public Works Grading Study

Lose & Associates
Project: 17007-1

Client: City of Morristown
100 West First North Street
Morristown, TN 37814

Date: March 30,
2017

Services: Lose & Associates, the Design Professional, is hereby contracted to provide the following services as authorized by you, the Client.

1. To develop a preliminary grading study for city property that will contain a community center and public works compound. The property is located at the intersection Veterans Parkway and Merchants Greene Boulevard. The study outcomes will include the following:
 - a. A mass grading study that creates building pads and roadways that are suitable for the proposed uses.
 - b. An estimate of the cut and fill volumes for the property.
 - c. Preliminary drainage analysis to determine if regional detention ponds can be developed to serve the site.
 - d. A brief summary report of the findings.
2. A meeting will be held to present the findings and gather client comments.
3. Prepare a final draft grading plan that reflects client comments and provide a digital copy to the client.

Fees: Lump Sum fee of \$ 9,500.00

Other Conditions: The Design Professional is to be reimbursed for all standard out-of-pocket expenses as reflected on the attached Hourly Rate Schedule.

Terms and Conditions outlined on the following three pages are a part of this Agreement. Signature by the Client indicates the Client's agreement with the proposed Services, Fees, and Terms and Conditions as set forth in this Professional Services Agreement.

ACCEPTED: This ____ day of _____, 2017 ISSUED: This 30th day of March, 2017



Chris Camp, ASLA
President and CEO

Client's signature

Print Name

Title

TERMS AND CONDITIONS

Payment Schedule and Terms – Progress payments for the fees described previously will be due monthly, based on the Design Professional's estimate of the percentage of the work complete. If payment is not received by the Design Professional within 30 calendar days of the invoice date, the Client shall pay as interest an additional charge of 1.5% of the past due amount per month. Payment thereafter shall first be applied to accrued interest and then to the unpaid principal. Failure to make payments when due shall be cause for suspension of the Design Professional's services, and the filing of a lien against the property.

Current Hourly Rates - An attached table, dated January 1, 2017, outlines our current hourly rates and reimbursable expenses. These rates are current until January 1, 2018, at which time they may be adjusted by the Design Professional.

Additional Services – Only items of work specifically called out under the Services section of this Agreement are to be performed for the specified Fees. The Design Professional will consider any items not so specified as "Additional Services" and will perform those services upon request on an hourly fee basis as outlined on the attached Hourly Rate Schedule. If any Additional Services are requested, the Design Professional shall be reimbursed for associated out-of-pocket expenses as reflected on the attached Hourly Rate Schedule.

Term of Proposal – It is understood that this document outlines proposed Services and Fees to be provided in relation to the Client's project, and that this offer of proposed Services and Fees remains open for sixty (60) days from the date this document is issued. If the Client does not indicate acceptance by signing and returning one copy to the Design Professional within sixty days, this document becomes null and void.

Fee Adjustment – It is understood that in the event this project extends over a period of more than one year from the date of this Agreement, the fees for any remaining services will be adjusted proportionately to the "all items" group of the U.S. Department of Labor's Bureau of Labor Statistics Consumer Index.

Ownership of Documents – All reports, plans, specifications, computer files, field data, notes and other documents and instruments prepared by the Design Professional as instruments of service shall remain the property of the Design Professional. The Design Professional shall retain all common law, statutory and other reserved rights, including the copyright thereto. Reuse for extensions of the project or for new projects shall require written permission of the Design Professional and further compensation at a rate agreed upon by both parties. Any changes made to the construction documents by the Client, or by the Client's representatives, are strictly prohibited without the knowledge and written consent of the Design Professional. The Design Professional shall be released from any liability resulting from the unauthorized alteration of construction documents. The Design Professional grants the Client the right to use the drawings for their use in publications, public meetings, planning efforts, award submittals and the right to reproduce the drawing as needed for stated uses without requesting authorization from the Design Professional.

Jobsite Safety – The Design Professional is not responsible for job site safety during the master planning process. The owner retains sole responsibility and liability associated with securing the site and maintaining job site safety during the planning process.

Applicable Law – Unless otherwise provided, this Agreement shall be governed by Tennessee state law.

Disputes Resolution - All claims, counterclaims, disputes and other matters in question between the parties hereto arising out of or relating to this Agreement or breach thereof shall be presented to non-binding mediation, subject to the parties agreeing to a mediator.

Termination of Services – This Agreement may be terminated by either party upon not less than seven (7) days written notice should the other party fail to perform substantially in accordance with the terms of this Agreement through no fault of the party initiating termination. If this Agreement is terminated by the Client, the Design Professional shall be paid for services performed to the termination notice date, including reimbursable expenses due plus termination expenses. Termination expenses are defined as reimbursable expenses directly attributable to termination, plus 15 percent of the total compensation earned to the time of termination to account for the Design Professional's rescheduling adjustments, reassignment of personnel, and related costs incurred due to the termination.

Opinion of Probable Cost – In providing opinions of probable construction cost, the Client understands that the Design Professional has no control over costs or the price of labor, equipment, or materials, or over the contractor's method of pricing, and that the opinions of probable construction costs provided are to be made on the basis of the Design Professional's qualifications and experience. The Design Professional makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

Limit of Liability - In recognition of the relative risks and benefits of the project to both the Client and the Design Professional, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of the Design Professional and its subconsultants to the Client for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of the Design Professional and its subconsultants to all those named shall not exceed **\$50,000** or the Design Professional's total fee for services rendered on this project, whichever is greater. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability, breach of contract or warranty.

In addition, the Client agrees to indemnify and hold the Design Professional harmless for any damage, liability or cost, including reasonable attorney's fees and defense costs, arising from any errors or omissions contained in the plans, specifications or other contract documents prepared by others. The Client agrees to extend any and all liability limitations and indemnifications provided by the Client to the Design Professional to those individuals and entities the Design Professional retains for performance of the services under this Agreement, including but not limited to the Design Professional's subconsultants and their officers, employees, heirs and assigns.

It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

Betterment - If, due to the Design Professional's error, any required item or component of the project is omitted from the Design Professional's construction documents, the Design Professional shall not be responsible for paying the cost to add such item or component to the extent that such item or component would have been otherwise necessary to the project or otherwise adds value or betterment to the project. In no event will the Design Professional be responsible for any cost or expense that provides betterment, upgrade or enhancement of the project.

Contract Termination – Upon giving the other party five (5) calendar days prior written notice, this Agreement may be terminated by either party in the event of substantial failure to perform in accordance with the terms hereof by the other party through no fault of the terminating party. If this agreement is so terminated, the Design Professional shall be paid for all services rendered and all costs incurred up to the date of termination, in accordance with the compensation provisions of this contract. The Client shall pay the Design Professional in full within ten (10) calendar days of termination.

ATTACHMENT A - Hourly Rates

LOSE & ASSOCIATES, INC.

HOURLY RATE SCHEDULE (for use with all hourly agreements and for Additional Services)

Professional Services Hourly Rate

Senior Principal/President.....	\$240.00
Senior Vice President	\$220.00
Vice President.....	\$200.00
Division Director I, President Emeritus	\$185.00
Division Director II.....	\$160.00
Sr. Environmental Biologist.....	\$125.00
Senior Landscape Architect, Architect, Engineer, and Planner	\$140.00
Certified Park & Recreation Specialist, Engineer Specialist, Project Coordinator	\$110.00
LA I, Architect I, Engineer I, Project Manager I.....	\$115.00
LA II, Architect II, Engineer II, Project Manager II.....	\$110.00
Land Planner I, Intern Architect I, Engineer in Training I BIM Specialist, GIS Specialist I, Assistant Graphic Designer I	\$95.00
Land Planner II, Intern Architect II, Engineer in Training II GIS Specialist II, Assistant Graphic Designer II.....	\$90.00
Technician I	\$80.00
Technician II	\$75.00
Marketing Director	\$70.00
Assistant Accounts Manager, Administrative Assistant I	\$60.00
Administrative Assistant II	\$35.00
Senior Surveyor, RLS	\$130.00
Survey Field Supervisor	\$80.00
Survey Field Tech Assistant.....	\$50.00
Survey Party, 2 Man Crew	\$140.00
Survey Party, 3 Man Crew	\$160.00
GPS Crew, 1 Man Crew.....	\$130.00
GPS Crew, 2 Man Crew.....	\$150.00

Reimbursable Expenses

Consultants' Services	cost + 10%
Prints	cost + 10%
Long Distance Telephone Charges	cost + 10%
Postage and Shipping	cost + 10%
Mileage and Travel Expenses	cost + 10%
Copies	cost + 10%

January 1, 2017

NOTE: All the above-stated fees and expenses are to be billed monthly, and the invoices are due and payable upon receipt. Other reimbursable expenses not shown hereon will be invoiced at our cost plus 10%. These rates are current until January 1, 2018, at which time they may be adjusted by the Design Professional.

City of Morristown

Incorporated 1855



ANTHONY W. COX
City Administrator

DATE: MARCH 31, 2017

TO: MAYOR AND CITY COUNCILMEMBERS

FROM: ANTHONY W. COX, CITY ADMINISTRATOR

RE: CHANGE ORDER – FARMERS MARKET PHASE II

The Engineer, Jake Greear of McGill & Associates, for the above listed project is finalizing the change order contract and amounts with both the architect and contractor. Once the change order has been received we will forward to Council. If you have any questions, please feel free to contact my office.

Industrial Development Board of The City of

Morristown

P.O. Box 9 • 825 West First North St. • Morristown, TN 37815 • Ph. 423-586-6382

March 30, 2017

Mr. Tony Cox
City of Morristown
P. O. Box 1499
Morristown, TN 37816

Dear Tony:

At a called meeting of the Industrial Development Board of the City of Morristown on March 30, 2017, the Board reviewed a request from Project Ruby to purchase a parcel of land, consisting of 12.8 acres in the *East Tennessee Progress Center*.

The Industrial Development Board recommends the sale of this land at an agreed upon purchase price of \$10,000 per acre. A preliminary survey is attached, and a final survey will be submitted once complete.

If you have any questions, please don't hesitate to call.

Sincerely,



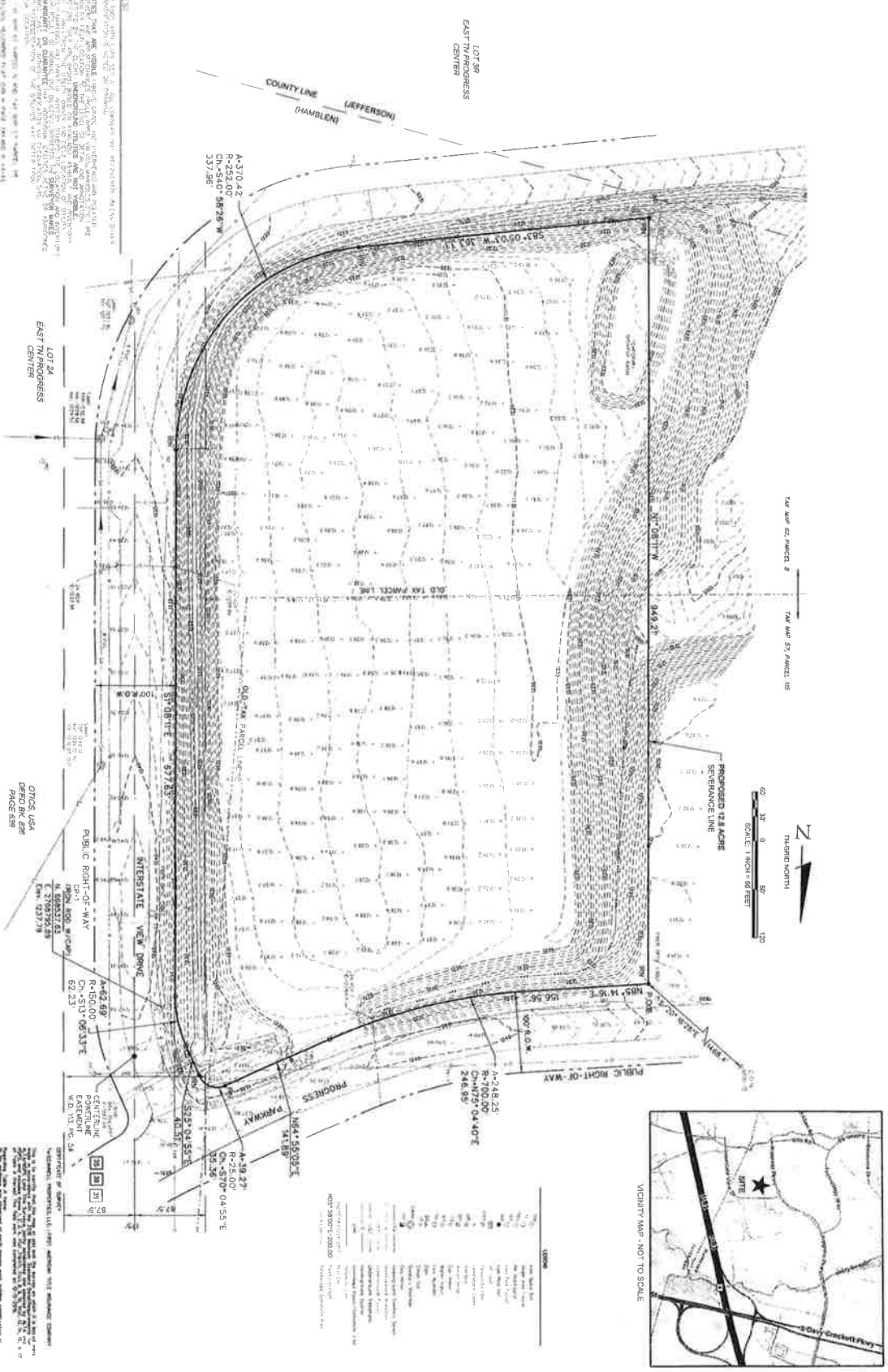
Marshall Ramsey
Secretary

MR/jb

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AREA = 12.800 ACRES OR 557,568 SQ. FT.

NOTES:
1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE TENSSESEE SURVEYING ACT OF 1901.
2. THE BOUNDARIES OF THE LAND HEREIN SHOWN ARE BASED UPON THE RECORDS OF THE TENSSESEE SURVEYING DEPARTMENT.
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NO.	DATE	BY	REVISION
1	12/23/2016	ALTA	INITIAL SURVEY
2	01/05/2017	ALTA	REVISION
3	02/15/2017	ALTA	REVISION
4	03/15/2017	ALTA	REVISION
5	04/15/2017	ALTA	REVISION
6	05/15/2017	ALTA	REVISION
7	06/15/2017	ALTA	REVISION
8	07/15/2017	ALTA	REVISION
9	08/15/2017	ALTA	REVISION
10	09/15/2017	ALTA	REVISION

ALTA / ACSM LAND TITLE SURVEY
PART OF PARCEL 115 MAP 57 & PARCEL 8 MAP 62
EAST TENN. PROGRESS CENTER
5TH CIVIL DISTRICT - HAMLEN COUNTY, TENNESSEE



BWSC
BARGE WAGGNER
SUMNER & CANNON, INC.
Return to Agenda

Memorandum

To: Mayor and City Council

From: Bill Honeycutt, Fire Chief

Date: March 29, 2017

RE: Promotional Requests

The request for the Mayor and Council to appoint eligible candidates to vacant positions is necessary due to the recent retirement of a veteran Battalion Chief. The vacancies under consideration will be **Battalion Chief, Captain, Lieutenant and Driver/Engineer.**

As background information, when the Mayor and Council appoint an eligible candidate to fill a vacancy above their current rank, it creates an opening at that position and positions below. For example, when the requested appointment is made for a current eligible Captain to fill the existing vacancy at Battalion Chief, a vacancy is then created at Captain; and so forth down the ranks until the final vacancy occurs at entry-level firefighter.

I don't plan to request an appointment to entry-level firefighter at this time, but will present the request at a future meeting, most likely in the August timeframe.

For your review, a copy of current Civil Service eligibility rosters for all four (4) positions will be included in your Council Packet. From those rosters, Civil Service rules allow the appointing authority (Mayor and Council) to consider the top three (3) names of eligible candidates from each roster for appointment to the particular position.

I am prepared to make recommendations.

CIVIL SERVICE BOARD

P. O. Box 1499 • MORRISTOWN, TN 37816

Fire Department Battalion Chief Roster

Revised on March 17, 2017 to Reflect **Testing**, Promotions and /or Corrections

	<u>RANK AND NAME</u>	<u>EXPIRES</u>
1	Randy Breeding	31-Jan-18
2	David Large	31-Jan-19
3	Kevin Jarnigan	31-Jan-19
4	Greg Williams	31-Jan-19
5	Scott Kimbrough	31-Jan-19
6	Billy Hale	31-Jan-19
7	Darrell Hodge	31-Jan-19
8	Shane Kyle	31-Jan-19
9	Marty Bryant	31-Jan-19
10	Anthony Lakins	31-Jan-19

Civil Service Board


Lee Parker, Chairman

3-17-2017
Date

CIVIL SERVICE BOARD

P. O. Box 1499 • MORRISTOWN, TN 37816

Fire Department Captain Roster

Revised on March 17, 2017 to Reflect **Testing**, Promotions and /or Corrections

	<u>RANK AND NAME</u>	<u>EXPIRES</u>
1	Robert Croxdale	31-Jan-19
2	Marty Bryant	31-Jan-19
3	Anthony Livesay	31-Jan-19
4	Scott Kimbrough	31-Jan-19
5	Darrell Hodge	31-Jan-19
6	Greg Williams	31-Jan-19
7	Tim Carpenter	31-Jan-19
8	Billy Hale	31-Jan-19
9	Kevin Jarnigan	31-Jan-18
10	Charles Collins	31-Jan-19

Civil Service Board


Lee Parker, Chairman

3-17-2017
Date

CIVIL SERVICE BOARD

P. O. Box 1499 • MORRISTOWN, TN 37816

Fire Department Lieutenant Roster

Revised on March 17, 2017 to Reflect **Testing**, Promotions and /or Corrections

	<u>RANK AND NAME</u>	<u>EXPIRES</u>
1	Mike Caldwell	31-Jan-19
2	Brian Wallace	31-Jan-19
3	Keith Rouse	31-Jan-19
4	Danny Case	31-Jan-19
5	Mark Brewer	31-Jan-19
6	Jeff McDaniel	31-Jan-18
7	Nathan Atkins	31-Jan-18
8	Jonathan Benfield	31-Jan-19
9	Doug Lephew	31-Jan-19
10	Brandon Williams	31-Jan-19
11	Doug Allison	31-Jan-19
12	Doyle Whitmill	31-Jan-19
13	Thomas Evans	31-Jan-18

Civil Service Board


Lee Parker, Chairman

3-17-2017
Date

CIVIL SERVICE BOARD

P. O. Box 1499 • MORRISTOWN, TN 37816

Fire Department Driver/Engineer Roster

Revised on March 17, 2017 to Reflect **Testing**, Promotions and /or Corrections

	<u>RANK AND NAME</u>	<u>EXPIRES</u>
1	Brandon Snyder	31-Jan-19
2	Gary Underwood	31-Jan-19
3	Nathan Best	31-Jan-19
4	Preston Mayes	31-Jan-19
5	Jeramy Shope	31-Jan-19
6	Ben Lowe	31-Jan-19
7	Scott Seal	31-Jan-19
8	John Heatherly	31-Jan-19
9	Greg Yount	31-Jan-19
10	Chris Hurst	31-Jan-19
11	Kevin Brown	31-Jan-19
12	Lisa Kirkpatrick	31-Jan-19
13	Steven Keller	31-Jan-19
14	Brian Williams	31-Jan-19
15	Bradley Cooper	31-Jan-19

Civil Service Board



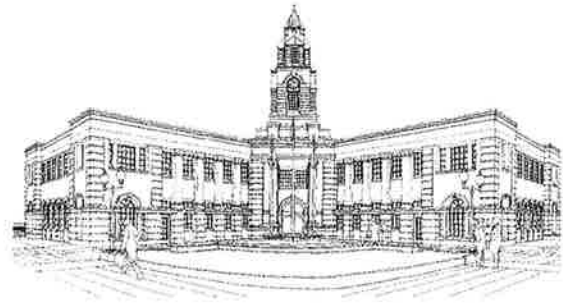
Lee Parker, Chairman

3-17-2017

Date

Morristown Police Department

ROGER OVERHOLT
Chief of Police



MEMORANDUM

TO: Mayor Chesney and City Council

FR: Roger Overholt, Chief of Police *RO*

DATE: March 30, 2017

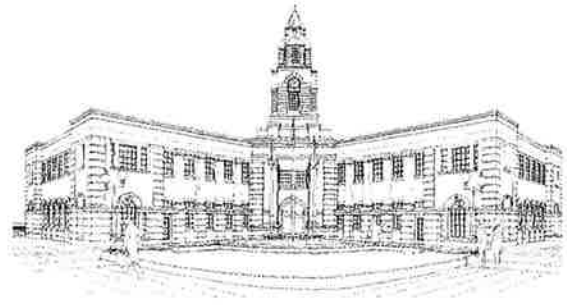
RE: Police Disciplinary Actions

Per the civil service requirements, I am requesting confirmation for disciplinary actions taken on two officers for various policy violations. With this memo, you will find information concerning the actions taken.

If you have questions or concerns, please contact me. Thank you.

Morristown Police Department

ROGER OVERHOLT
Chief of Police



March 28, 2017

Mayor and Councilmembers:

I have completed a background check on Bartley Scott Thorton D.O.B. 03/09/1978 for the purpose of signing a Certificate of Compliance for the retail package store that is currently doing business as Cork & Keg Package Store located at 2304 Morningside Drive.

Based on my investigation, it is my belief that Mr. Thorton has not been convicted of a felony in the ***last 10 years***. You can feel confident in signing the Certificate of Compliance as a careful background check was conducted.

If you have any further questions, please feel free to contact me at (423)318-1552.

Respectfully,

Lt. Billy Gulley BG

Lt. Billy Gulley,
Support Services Supervisor
Morristown Police Department

cc: Roger D. Overholt, Chief of Police
file

CITY OF MORRISTOWN
100 W 1ST NORTH ST
MORRISTOWN TN 37814-1499

RECPT#: 520537

03/28/17 12:15 tdmoss

CUSTOMER#:0

NAME:

APP FOR CERT OF COMP

CHG: 808

BEER BOND

250.00

PAID AMT

25 PAID BY NAME

BARTLEY THORNPAY METHOD

CHECK

2250

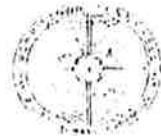
AMT TENDERED:

AMT APPLIED: 250.00

CHANGE: 250.00



City of Morristown
P.O. Box 1499
Morristown, TN 37816



Application for Certificate of Compliance

Important Notes

1. This application shall be verified by the applicant. In the event the applicant is a partnership or corporation, each partner or stockholder shall file an accompanying application.
2. Applicant must place an advertisement in the Morristown Newspaper of general circulation for three (3) consecutive days. Applicant must attach to this application a copy of said advertisement. Application must be submitted 7 days prior to City Council meeting.
3. A fee of \$250.00 payable to the City of Morristown is required at the time of filing this application.

Personal Data (Please Print)

(In the event the applicant is a partnership or corporation, each partner or stockholder shall file an application.)

Full name of applicant: Baetley Scott Thornton Date of Birth 78

Home Address: Newport TN 37821 Zip

How long have you lived at current address 15 years Home Phone

Social Security #: Drivers License #:

Have you ever been convicted of any violation of a federal law, state law or municipal ordinance?
Yes ☒ No

If "yes", specify offense, date, and place of occurrence:

Store Name and Location

Proposed Store name: The Cork and Key

Street Address: 2304 MORNING SIDE DRIVE MORRISTOWN, TN Zip 37814

Current business address (if relocation is requested):

Current zoning of proposed location: OB Commercial

I the undersigned applicant, do hereby authorize the City of Morristown, to make inquiry, whether verbal, written, or electronic of any and all law enforcement agencies or clerks of courts, whether, state, federal or local, concerning my criminal history of any convictions that I have had for any misdemeanor or felony, involving other than minor traffic violations, within the last ten (10) years from the date of this application.

I the undersigned applicant realize that falsification of any portion of this application shall be grounds for rejection of the application. The applicant further agrees to comply with state, federal laws, city ordinances and the rules and regulations of the Alcoholic Beverage Commission and of the State Commissioner of Revenue with references to the sale of alcoholic beverages and agrees to the validity of and reasonableness of the inspection fees which by ordinance are adopted by the City Council of the City of Morristown now or during the term of the license which may be issued.

Baetley Scott Thornton
Signature of Applicant

3-11-17
Date

833 West Hwy. 25/70
Newport, TN 37821



Phone: 423-623-5055
Toll-Free 1-800-379-0348
Fax: (423) 623-9975

Firm 4589

OFFER TO PURCHASE

1. BAATLEY THORNTON hereby agrees to buy
MBA hereby agrees to sell the following
real property stated in this contract if the terms are accepted by the Seller(s) as set forth by the Buyer(s).
2. Location and legal description of the property is as follows:
Address 2304 MORNINGSTAR DRIVE City MORRISTOWN
Map 034F Group 1 Parcel 00100 Lot# 1387 Page 192 County HAMILTON 01
Description / Subdivision _____
3. Full purchase price in dollars \$600,000.00
Payable in the following manner (cash, conventional, FHA, VA, Owner Finance, other)
Seller(s) is not required to pay any of Buyer's costs related to obtaining a loan unless otherwise stated. If a loan cannot be confirmed in writing within 30 days, then this contract shall be null & void. Buyer(s) agree to apply for a loan within 7 days if applicable.
Type of Loan or Terms CONVENTIONAL LOAN
4. This contract shall be contingent upon finance approval if applicable. If financing is not approved Buyer(s) deposit shall be refunded in full with no deductions, except third party expenses incurred by buyer such as survey, appraisal, etc. The Buyer(s) agree to show good faith in this contract by leaving with Goddard Real Estate & Auction an earnest deposit in the amount of \$ 4,000.00
☒ Cash ☐ Personal Check ☐ Cashiers Check, to be held in an escrow account at Newport Federal Bank, Newport, TN, pending the closing of this transaction. Earnest money will be credited to purchase price.
5. Conveyance of Title to be made by Warranty Deed which at the time of closing will be free and clear of all encumbrances or liens except for restrictive covenants, current taxes, existing easements, zoning or governmental restrictions. Buyers shall have 10 days to examine title and sellers shall have 10 days to start to cure any defects.
6. This sale shall be closed on or before 6-12-2017. Time is of the essence.
Seller(s) agree to allow the Buyer(s) to obtain possession of the property no later than CLOSING.
7. Taxes, insurance, rents, assessments, or dues, shall be prorated as of day of closing unless otherwise stated.
The personal property included in this sale is per listing agreement. Additional personal property should be listed separately.
8. Seller agrees to pay for a satisfactory inspection for wood destroying insects and organisms (termites, post beetles, carpenter ants, molds, wood rot, etc.) and agrees to pay for treatment or repair if necessary, however if the cost of treatment or repair exceeds the sum of \$750.00, the Seller(s) shall have the option of rescinding this contract and this contract shall be null & void and the earnest money refunded in full except for 3rd party expenses, as per line 4 of this contract.
9. Buyer(s) and Seller(s) agree to share the title company closing fee equally since both will benefit equally. All other fees will be paid by the party for whom the service was ordered for. By signing this agreement both parties agree to pay for any cost created on their behalf should a closing not take place. Buyer(s) costs will be deducted from the earnest money prior to a refund. Seller(s) agree to pay fees as they come due.
10. A survey is not a state requirement to close nor is the agent a qualified surveyor. If the buyer or lender require a survey to close then the Buyer(s) agree to pay for a survey if applicable. ☐ Yes Buyer(s) wants a survey ☒ No Buyer(s) does not want survey
11. Buyer(s) agree that he/she they have not received or relied upon any statements or representations with respect to condition of the property nor has Goddard Real Estate & Auction or its agents made any promises or warranties which are not expressed here in writing. Furthermore the Buyer(s) agree that they have inspected the property and accept its condition unless otherwise stated below.
12. This contract shall become effective when signed by the Buyer(s) and the Seller(s). If the Seller(s) do not accept the terms of this agreement and no agreement can be reached the earnest money will be returned to the Buyer(s).
13. The sellers shall notify buyers (if they accept this contract within 30 DAYS from the date and time below or this offer shall be deemed null and void, and the earnest money shall be returned to the buyers.
14. The Seller(s) agree to pay Goddard Real Estate & Auction a commission as per the listing agreement. The right to the commission shall become fixed and final when the Buyer(s) and Seller(s) have executed this contract.
15. If the Buyer(s) fail to perform the covenants herein contained within the time specified, the deposit made by the Buyer(s) shall and will be forfeited as liquidated damages, and therefore shall be retained on that account by said Goddard Real Estate & Auction as payment of said commission and expenses created with the balance to be paid to the Seller(s).
16. If the transaction shall not be closed because of refusal or inability of the Seller(s) to perform then the Seller(s) shall pay said commission to Goddard Real Estate & Auction on demand. This contract is enforceable at the option of either party in the action for specific performance.
17. If applicable this is a co-broke with TERRY BALL - REMAX. Goddard Real Estate & Auction will receive 50% of the gross commission unless otherwise stated differently between both participating brokers.
18. All parties agree that they have read and understood this contract and have received a copy. This contract contains the entire agreement of the parties and there are NO verbal agreements what-so-ever. Any addendums to this contract must be signed by all parties listed below.
19. BUYER WILL PURCHASE PROPERTY AS SOON AS LICENSES ARE TRANSFERRED
20. BUYER HAS A RETIRED TN REAL ESTATE LICENSE / ALL INVENTORY WILL BE SAME AS 12/1/16 \$239,000.00

THIS IS PAGE ONE OF A TWO PAGE CONTRACT. BEFORE YOU SIGN THIS AGREEMENT, PLEASE READ BACK PAGE.
BUYERS AND SELLERS AGREE THEY HAVE READ PAGE TWO OF THIS AGREEMENT.

AGENT [Signature] AGENT [Signature]

BUYER _____ SELLER [Signature]

BUYER _____ SELLER _____

DATE/TIME _____ DATE/TIME 12-12-16 12:30pm

ASSESSMENTS

20. It is understood that no special assessments or improvement bonds for sidewalks, curbs and gutters are now outstanding against this property and that no such off-site improvements which must be paid by the present or future owners of the property described herein are under construction or included in plans and specifications or will be commenced or completed by the time of the closing of the loan. Otherwise, such cost shall be paid by the Seller(s). Furthermore, it is understood that any future assessments that may be made after the closing are to be paid by the Buyer(s). The contract and understandings in connection with any special assessments are as outlined above unless altered or amended in writing, attached hereto as an addendum or included herein. Sewage fees, if any, are to be considered as utility cost and not assessments.

MORTGAGE

21. The purchase price or contract price is to be fully paid in cash or cashier's check, when and if the mortgage loan referred to herein is approved and closed. If this loan is not approved for the amount applied for, this contract can be cancelled by the Buyer(s) and the earnest money will be returned. The Buyer(s) agrees to immediately apply for the necessary mortgage loan to conclude this contract and will furnish all necessary information or documents as required for the approval of this loan. The buyer(s) agrees to execute mortgage documents when the loan is ready to close and the terms of this contract have been carried out.

TITLE

22. In case merchantable title cannot be obtained which is acceptable to the lender or for which title insurance cannot be secured, earnest money is to be returned to the Buyer(s) and this contract shall be null and void. In case legal action is necessary to perfect the title, such action must be taken by the Seller(s) promptly at his own expense, whereupon the time herein specified for full settlement by the Buyer(s) will thereby be extended for the period necessary for such prompt action. The Seller(s) shall convey property to the Buyer(s) by deed free of encumbrances except (1) taxes that are not yet due or payable, (2) restrictive covenants and (3) easements of record, unless otherwise stated herein.

CONTRACT PERFORMANCE

23. Time is of the essence of this contract. Should the Buyer(s) fail to perform the covenants herein contained within the time specified, Seller(s) shall have the right to pursue any and all remedies available to Seller(s) at law or in equity, including, without limitation, requiring specific performance on the part of Buyer(s), and retaining as liquidated damages all sums which have theretofore been paid to the Seller(s) or the Agent by the Buyer(s).

If the Seller(s) defaults in the performance of this contract, Buyer(s) may reclaim the earnest money deposit and pursue any and all remedies available at law.

In the event legal action is instituted by the Agent, or any party to this contract, to enforce the terms of this contract or arising out of the execution of this contract or the sale, or to collect commissions, the prevailing party shall be entitled to receive from the other party all costs of enforcing this agreement, including a reasonable attorney fee.

INSURANCE

24. The hazard insurance, if taken over by the Buyer(s), is to be prorated as of the closing date. The Buyer(s) has the right to place hazard insurance with any company acceptable to the lender provided the amount of coverage and insurance meet or exceeds lender requirements.

PROPERTY DESTRUCTION

25. If the improvements on said property are destroyed or substantially damaged by any cause before delivery of the deed, the Buyer(s) shall have the option of enforcing this contract or cancelling same by written notice within ten days thereafter. If cancelled, the earnest money shall be returned to the Buyer(s).

EARNEST MONEY DISBURSEMENT

26. Seller(s) and Buyer(s) understand and agree that the Agent shall deposit earnest money in an escrow/trust account following the execution of this agreement by all parties. The parties to this contract understand and agree that disbursement of earnest money held by the Agent, acting as escrow agent, can occur at closing, upon written agreement signed by all parties having an interest in the funds, upon court order, upon default by Buyer(s) as described in Paragraph 23 (Contract Performance), or upon failure of any loan approval as specified in the terms and conditions of this contract as described herein.

CONDITION OF PROPERTY

27. Buyer(s) agree to accept this property in its "AS IS" condition under the terms of this paragraph unless otherwise specified. Seller(s) warrants that all appliances, if any, remaining with the dwelling, heating and air conditioning systems, septic tank and field (where applicable), and all plumbing and electrical systems will be in working condition at the time of closing, unless otherwise stated. Buyer(s) shall have the privilege and responsibility of making inspections of the appliances and systems prior to the closing of this sale. Buyer(s) agree that he and/or she has inspected this property and has not relied upon any representation made by the Agent in describing this property and understand that the agents involved in this transaction make no warranties regarding the property, including the physical condition of the building and other improvements. The property will be broom clean and free from all trash and debris by the date of possession.

This is a legal document and each party to this contract must read it carefully and fully understand the conditions and terms as set forth in this real estate sales contract. The agents are serving only as real estate brokers in connection with this transaction and cannot give legal advice to any party. Plurals used herein are to be read in the singular where appropriate, if the Buyer and Seller consist of one person or entity.

Buyer(s) and Seller(s) acknowledge that they have read and understand this contract and have received a copy hereof.

If you do not understand this contract you are hereby advised to seek legal counsel prior to signing.

BT 12-12-16

CONFIRMATION OF AGENCY STATUS

Every real estate licensee is required to disclose his or her agency status in a real estate transaction to any buyer or seller who is not represented by an agent and with whom the Licensee is working directly in the transaction. The purpose of this Confirmation of Agency Status is to acknowledge that this disclosure occurred. Copies of this confirmation must be provided to any signatory thereof. Notice is hereby given that the agency status of this Licensee (or Licensee's company) is as follows in this transaction:

The real estate transaction involving the property located at:

2304 MARYNURSIOE DRIVE MORRISTOWN, TN

PROPERTY ADDRESS

SELLER NAME: _____
LICENSEE NAME: _____

in this consumer's current or prospective transaction, is serving as:

- ☐ Transaction Broker or Facilitator:
(not an agent for either party).
- ☐ Seller is Unrepresented.
- ☐ Agent for the Seller.
- ☐ Designated Agent for the Seller.
- ☐ Disclosed Dual Agent (for both parties),
with the consent of both the Buyer and the Seller
in this transaction.

BUYER NAME: BARTLEY THURNTON
LICENSEE NAME: JERRY KAGAR

in this consumer's current or prospective transaction, is serving as:

- ☐ Transaction Broker or Facilitator.
(not an agent for either party).
- ☐ Buyer is Unrepresented.
- ☒ Agent for the Buyer.
- ☐ Designated Agent for the Buyer.
- ☐ Disclosed Dual Agent (for both parties),
with the consent of both the Buyer and the Seller
in this transaction.

This form was delivered in writing, as prescribed by law, to any unrepresented buyer prior to the preparation of any offer to purchase, OR to any unrepresented seller prior to presentation of an offer to purchase; OR (if the Licensee is listing a property without an agency agreement) prior to execution of that listing agreement. This document also serves as confirmation that the Licensee's Agency or Transaction Broker status was communicated orally before any real estate services were provided and also serves as a statement acknowledging that the buyer or seller, as applicable, was informed that any complaints alleging a violation or violations of Tenn. Code Ann. § 62-13-312 must be filed within the applicable statute of limitations for such violation set out in Tenn. Code Ann. § 62-13-313(c) with the Tennessee Real Estate Commission, 710 James Robertson Parkway, 3rd Floor, Nashville, TN 37232, PH: (615) 741-2273. This notice by itself, however, does not constitute an agency agreement or establish any agency relationship.

By signing below, parties acknowledge receipt of confirmation of Agency relationship disclosure by Realtor® acting as Agent/Broker OR other status of Seller/Landlord and/or Buyer/Tenant pursuant to the National Association of Realtors® Code of Ethics and Standards of Practice.

Seller Signature Date

Bartley Thurnton 12-12-16

Buyer Signature Date

Seller Signature Date

Buyer Signature Date

Listing Licensee Date

Jerry Kagar 12-12-16

Selling Licensee Date

Listing Company

GODPAARD R.E. & AUCTION

Selling Company

NOTE: This form is provided by TAR to its members for their use in real estate transactions and is to be used as is. By downloading and/or using this form, you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields, and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the TAR logo in conjunction with any form other than standardized forms created by TAR is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.



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F1 - Confirmation of Agency Status; Page 3 of 3

Modified on 1/01/2011

AFFIDAVIT OF PUBLICATION

STATE OF TENNESSEE

COUNTY OF HAMBLLEN

R. Michael Fishman

Printed Name

Personally appeared before the undersigned authority and made oath that he is the Editor and Publisher of the Citizen Tribune and that the attached item was published in said newspaper on the following dates:

3/23/2017, 3/24/2017, 3/26/2017.

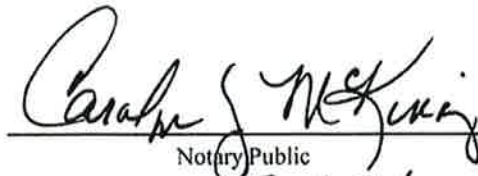
Signed



Name of Account: Cork & Keg New Owner (03)

Order Number: 22114361

Sworn to, and subscribed before me at Morristown, TN, this 27 th day of March, 2017.


Notary Public

Commission expires: 3-2-21



Page : 1 of 2 03/27/2017 09:41:48
Order Number : 22114361
PO Number :
Customer : 21898607 Cork & Keg New Owner (03)
Contact : Bartley Thorton
Address1 : 200 Highway 160
Address2 :
City St Zip : Newport TN 37821
Phone : (423) 623-8550
Fax :
Printed By : CT Evelyn Hoard
Entered By : ctadtaker3
Keywords : Liquor Lis. (Bartley)
Notes :
Zones :

Ad Number : 22182018
Ad Key :
Salesperson : 03 - Tiffany Dalton
Publication : Citizen Tribune
Section : Classified Section
Sub Section : Classified Section
Category : Public Notices-130
Dates Run : 03/23/2017-03/26/2017
Days : 3
Size : 1 x 10.38, 107 lines
Words : 201
Ad Rate : Open
Ad Price : 256.80
Amount Paid : 256.80
Amount Due : 0.00

PUBLIC NOTICE

RETAIL LIQUOR LICENSE NOTICE

Take notice that Bartley Thornton, 200 Highway 160, Newport, TN 37821 has applied to the City of Morristown for Certification of Compliance and will apply or has applied to the Tennessee Alcoholic Beverage Commission (ABC) at Nashville for a Retail Liquor License for formally Cork & Keg, 2304 Morningside Drive Morristown, Tennessee 37814 to Bartley Thornton d/b/a Cork & Keg, 2304 Morningside Drive Morristown, Tennessee 37814.

All persons wishing to be heard on the Certificate of Compliance may personally or through counsel appear or submit their views in writing to: The Morristown City Council on April 4, 2017 at 5:00 p.m. in Council Chambers

Order Number	:	22114361	Ad Number	:	22182018
PO Number	:		Ad Key	:	
Customer	:	21898607 Cork & Keg New Owner (03)	Salesperson	:	03 - Tiffany Dalton
Contact	:	Bartley Thorton	Publication	:	Citizen Tribune
Address1	:	200 Highway 160	Section	:	Classified Section
Address2	:		Sub Section	:	Classified Section
City St Zip	:	Newport TN 37821	Category	:	Public Notices-130
Phone	:	(423) 623-8550	Dates Run	:	03/23/2017-03/26/2017
Fax	:		Days	:	3
	:		Size	:	1 x 10.38, 107 lines
	:		Words	:	201
Printed By	:	CT Evelyn Hoard	Ad Rate	:	Open
Entered By	:	ctadtaker3	Ad Price	:	256.80
	:		Amount Paid	:	256.80
Keywords	:	Liquor Lis. (Bartley)	Amount Due	:	0.00
Notes	:				
Zones	:				

located at 100
West 1st North
Street, Morristown,
Tennessee 37814.

Commission will consider the application at a later date to be set by the Tennessee Alcoholic Beverage Commission in Nashville, Tennessee. Interested persons may personally or through counsel submit their views in writing by the hearing date to be scheduled by the TABC. (Rule 0100-03-09, continued). Anyone with questions concerning this application or the laws relating to it may call or write the Alcoholic Beverage Commission at 4420 Whittle Springs Rd, Knoxville, TN 37917, (865) 594-6342.

Run Dates: 3/23/17,
3/24/17, 3/26/17